

**MINNEAPOLIS CITY COUNCIL
OFFICIAL PROCEEDINGS**

**REGULAR MEETING OF
APRIL 29, 2005**

(Published May 7, 2005, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

April 29, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Lilligren, Johnson Lee, Niziolek, Benson, President Ostrow.

Absent: Goodman, Johnson, Zerby.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Absent: Goodman, Johnson, Zerby.

Lilligren moved acceptance of the minutes of the regular meeting and special session held April 15, 2005. Seconded.

Adopted upon a voice vote.

Absent: Goodman, Johnson, Zerby.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

Absent: Goodman, Johnson, Zerby.

President Ostrow and Council Member Colvin Roy acknowledged in the audience students and teachers from Wenonah Elementary School.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270356)

Affordable Housing Initiative: Annual Evaluation for 2004.

Grain Belt Housing Project: Phase I Redevelopment Contract.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270357)

Heritage Park Redevelopment Contract: Amendment to Phase I and II of Heritage Park Redevelopment Contract.

Limited Equity Cooperative Program Funding for Nicollet Island Cooperative: Approve funding for Mid River Residence, Inc., restructuring of existing CPED loans, Non-Profit Housing Development Assistance Funds for the North Country Cooperative Foundation.

Northeast Community Development Corporation (NECDC): Grant exclusive development rights for land on Buchanan St NE between Winter and Spring St NE for the period of 18 months to finalize a multifamily housing redevelopment concept.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270358)

Land Sales: 2316 Aldrich Av N to LaQuita and Ronald Jones; 2305 Bryant Av N to Keith Dawson; 3434 Bryant Av N to Twin Cities Habitat for Humanity, Inc. or, if sale fails to close, to Renewed Dwellings, Inc.; 1223 Humboldt Av N to Emeka G. Okeakpu, or if sale fails to close, to Ayaovi A. and Carie A. Gbedjangni; 1219 Humboldt Av N to Ayaovi A. and Carie A. Gbedjangni, or if sale fails to close, to Affordable Customs Builders, LLC; 1722 26th Av N to the Jordan Area Community Council; 2813 & 2817 Bryant Av S, 2808 & 2824 Aldrich Av S and 811 W 28th St to Bryant Lofts, LLC; 416 33rd Av N to Rosa Sanchez and Donald Gary Swensrud; 4651 Bryant Av to Sheldon Brett Suarez and Louise Piche' Suarez.

St. Olaf Residence Bonds: Preliminary approval to the issue up to \$4,500,000 in 501(c)(3) Tax-exempt Revenue Bonds for refunding and facility renovations.

Minneapolis Housing Replacement Tax Increment Financing District II: Add three parcels and deleting two parcels from the district.

City Flats Projects (formerly B Flats and Calypso Flats): Allocation of \$148,000 of Affordable Housing Trust Funds.

Low Income Housing Tax Credit Manual and Qualified Allocation Plan: Approve incorporation of changes into manual and process.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270359)

Local Initiatives Support Corporation (LISC): Allocation of funding to continue program for Central and W Broadway Aves.

Environmental Remediation Grant Applications Authorize submission of applications to the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account, the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant program and Hennepin County Environmental Response Fund.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270360)

2005 Summer Youth Employment: Accept \$234,500 and execute contract with Tree Trust to expand Summer Program by a minimum of 215 jobs.

Grants to Workforce Investment Boards: Authorize submit grant application to United States Department of Labor, on behalf of the Workforce Council, seeking up to \$500,000 to fund a project targeting hard to serve people; and to serve targeted industries and employers.

HEALTH AND FAMILY SUPPORT SERVICES (270361)

Minneapolis Advisory Committee on People with Disabilities: Approve appointments and reappointments — Keith Swanson; Dorothy Balen; Kenneth Brown; Douglas Friauf; Martha Hage; Lolly Lijewski; Leslye Orr; and Jim Ramnaraine.

MAYOR (270362)

Latino Community Advisory Committee to the Mayor and City Council: Approve appointments and reappointments — Mauricio Catrileo; Oscar Bohorquez; Doris Ruiz; Sharifa Elaraz; Daniel Moreno; Lawrence Hubbard; Aide Salgado-Diaz (youth position); Hector Martinez; Angel Morales Sr; Jacqueline Belzer; Miguel Martinez; Luis Paucar; Victor Martinez-Ramos; and Edna Herlitz.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270363)

Twin Cities Healthy Start Project: Issue Request for Proposals to establish a four-year Eligible Providers list.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (270364)

Local Approval: Approve Laws of MN 2005, Chapter 24 re On Sale Liquor license for Walker Art Center.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (270365)

Nuisance Night Hearing Program: First Quarter 2005 Report.

Convenience Stores & Sale of Items Commonly Used as Drug Paraphernalia: Report, as requested by Committee, on potential enforcement strategies to stem the practice used by certain convenience stores in selling otherwise innocuous items commonly used as drug paraphernalia.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (270366)

Vehicle Immobilization: Ordinances amending the Code to amend the signage requirements in parking lots; to add license requirements, amend the rules of operation, and prohibit remuneration.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270367)

Sign Permits/Fees/Licenses: Ordinances amending Code to eliminate annual sign registration fee requirement, special council permit issuance, and council approval of sign hanger and billboard erector licenses; to consolidate the number of sign hanger licenses; to eliminate redundancies between ordinances; to eliminate the annual sign registration fee requirement; to eliminate the billposting and sign painting licenses and allow the sign hangers and billboard erectors licenses to be administered by the Department of Regulatory Services.

LICENSES AND CONSUMER SERVICES (270368)

Bryant Lake Bowl (810 W Lake St): License Addendum Agreement relating to application for On-Sale Liquor Class A with Sunday Sales License to prohibit Adult Entertainment.

Licenses: Applications.

FIM, JASON, ET AL. (270369)

Palmers Bar (500 Cedar Av): Comments in support of application to expand licensed premises to allow deck at rear of property.

RESIDENTS OF CEDAR RIVERSIDE, ET AL (270369.1)

Palmers Bar (500 Cedar Av S): Petition requesting to delay vote on application for expansion of licensed premises.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET

POLICE DEPARTMENT (270370)

2004 Annual Report of Special Activity Funds.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (270371)

Central Weed & Seed: Amend grant agreement with Pillsbury United Communities to accept an additional \$4,617 in federal funds for police overtime in Central Weed & Seed Program area; and Approve appropriation.

Police Athletic Club Membership: Execute four-year Fitness Agreement with Northwest Athletic Club, with single rate membership to be \$32.22 per month; and Extend current contract to June 30, 2005.

Crime Prevention in Jordan, Near North/Willard Hay and Hawthorne Neighborhoods: Accept up to \$55,120 and execute grant agreement with Plymouth Christian Youth Center to support salary costs of a Crime Prevention Specialist for one-year period; and Approve appropriation.

Police Auto Theft Bait Vehicle Program: Accept 1992 Honda Accord from QRP Great Lakes Services; and vehicle repair services from Lehman's Garage.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270372)

2005 Minneapolis Stormwater Management Program and Annual Report: Receive and file.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270373)

University of Minnesota Football Stadium: Submit City comments regarding Environmental Assessment Worksheet and Draft Scoping Decision Document.

Metropolitan Emergency Services Board: Authorize Joint Powers agreement and appoint Council Member Lane as representative.

Minneapolis Animal Care and Control Facility: Final change order to contract with Rochon Corporation.

Fremont Av N Renovation Project: (a) Resolution designating location of improvements; (b) Receive cost estimate and direct City Engineer to prepare proposed assessments; and (c) Set public hearings.

Project Excellence: Receive and file Parking System and Fund Review.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270374)

2005 Alley Resurfacing Program, No. FS05#1: Resolution to proceed with the work and adopt special assessments and request Board of Estimate and Taxation to sell bonds.

Lease Agreements: Amend two lease agreements at Tri-Tech Building (Marc Realty).

Online Auction Pilot Program: Issue RFP for online auction program at Minneapolis Impound Lot.

E85 Fueling Infrastructure Facility: (a) Authorize agreement with Hennepin County for joint facility; and (b) Accept \$22,500 grant from American Lung Association and authorize grant agreement.

Substitution Bond Funding: (a) Close out capital project for Flood Area 29 & 30 and increase Alternative Stormwater Management Strategies Project; and (b) Amend 2003 Bond Resolution.

WAYS AND MEANS BUDGET:

COORDINATOR (270375)

New Central Library Project: Change Management Actions - Receive and File.

FINANCE DEPARTMENT (270376)

Preliminary Budget Development Calendar for 2006 - Receive and File.

WAYS AND MEANS BUDGET (See Rep):

BUSINESS INFORMATION SERVICES (270377)

Minneapolis One-Call (311) Program: Approval to terminate a Citizen Relationship Management (CRM) Application Services Provider (ASP) contract with Motorola; Negotiate and execute a contract with Unisys/Lagan Technologies to provide CRM solution to support the City's 311 Program.

COORDINATOR (270378)

New Central Library Project: Change Order No. 2 to contract number C-19477 with Sowles Company, dba Northwest Tower Crane.

New Central Library Project: Artwork Fabrication & Installation, authorize agreements with Lita Albuquerque and Ben Rubin.

New Central Library Project: Accept low bid on OP #6427 of PCL Construction Services, Inc. for site work.

Greater Minneapolis Convention & Visitors Association (GMCVA): payment of the balance of the 2004 proceeds of the 1% City lodging tax increase to GMCVA as part of their 2004 operating budget.

FINANCE DEPARTMENT (270379)

Final Capital Long-range Improvement Committee (CLIC) Appointments: Approval of two City Council appointments of CLIC members, Dean Lund for Ward 2 and Gail Manning - Ward 10.

HUMAN RESOURCES (270380)

Minneflex Plan Master Plan: Document to reflect claims processing will be handled by Administration Resources Corporation (ARC).

Labor Agreement with Minneapolis Public Works Engineers Association (MPWEA): Executive summary of 12-month collective bargaining agreement.

Labor Agreement with Minneapolis Professional Employees Association (MPEA): Executive summary of 2-year collective bargaining agreement.

Labor Agreement with Minnesota Teamsters and Law Enforcement Employees Union, Local #320 (Convention Center Unit): Executive summary of 2-year collective bargaining agreement.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (270381)

Appeal:

Eat Street Flats, LLC (re 15 E Franklin Ave): Re Certificate of Appropriateness for four-story commercial/residential building.

PLANNING COMMISSION/DEPARTMENT (270382)

Appeals:

Douglas Neimann (re Jones Harrison Residence, 3700 Cedar Lake Ave): Re conditional use permits for additional to existing nursing home/assisted living facility & increase in height of building.

Rezoning Applications:

Bluff Street Development, LLC (521-2nd St SE);

Heritage Housing LLC (re Heritage Park 2nd Ownership Phase, area roughly bounded by Van White Memorial Blvd, 10th Ave N, 12th Ave N & Humboldt Ave N).

Phillips West Neighborhood Boundary Change: Changes to official boundaries, establishing new neighborhood, bounded by Lake St, I-35W, 22nd St E and Chicago Ave.

Site Plan Review (Zoning Code Text Amendment): Ordinances amending Title 20, Chapters 525, 530, 535 to revise scope & standards for site plan review, amend fees, establish standards.

The Minneapolis Plan: Comprehensive plan text amendment re adding principles of sustainability as a factor in City decision making; Sustainability Indicators.

FILED:

CITY CLERK/SPECIAL PERMITS (270383)

Upton Ave S, 252 (Sonia Srichai) petting zoo event;

Central Ave NE, 2535 (NE Minneapolis Chamber of Commerce) banner; and

Lake St E, 207 (Samantha Cortez/Sabri Properties) pony rides for Cino de Mayo festival.

MINNESOTA STATE OFFICES-State Auditor (270384)

Community Planning & Economic Development Dept (CPED) Minneapolis State, Orpheum & Pantagruel Theatres Agreed-Upon Procedures, 12/31/2004.

The following reports were signed by Mayor Rybak on May 4, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2316 Aldrich Av N to LaQuita M. and Ronald Jones for \$188, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-210, authorizing the sale of 2316 Aldrich Av N, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-210

By Goodman

Authorizing sale of land Disposition Parcel No. TF-263B.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel TF-263B, in the Hawthorne, from LaQuita M. and Ronald Jones, hereinafter known as the Purchaser, the Parcel TF-263B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

South 12 feet of Lot 12, Block 3, Highland Park Addition to Minneapolis.

Registered land as is evidenced by Certificate of Title No. 1142785.

Whereas, the Purchaser has offered to pay the sum of \$188, for Parcel TF-263B, to the City for the land;
and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications;
and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$188 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 19, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the TF-263B is hereby estimated to be the sum of \$188.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price

thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2305 Bryant Av N to Keith Dawson for \$114, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-211, authorizing the sale of 2305 Bryant Av N, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-211

By Goodman

Authorizing sale of land Disposition Parcel No. HAW 60-6B.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel HAW 60-6B, in the Hawthorne neighborhood, from Keith Dawson, hereinafter known as the Purchaser, the Parcel HAW 60-6B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

The North 10 feet of the East 114 feet of Lot 7, Block 17, Highland Park Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$114, for Parcel HAW 60-6B, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$114 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 19, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the HAW 60-6B is hereby estimated to be the sum of \$114.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute

such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 3434 Bryant Av N to Twin Cities Habitat for Humanity, Inc. for \$19,400 or, if that sale fails to close, to Renewed Dwellings, Inc. for \$19,400, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolutions 2005R-212 and 2005R-213, authorizing the sale of 3434 Bryant Av N, were passed 4/29/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-212

By Goodman

Authorizing sale of land Vacant Housing Recycling Program-McKinley Disposition Parcel No. Mckly 25-5.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel Mckly 25-5, in the McKinley neighborhood, from Twin Cities Habitat for Humanity, Inc., hereinafter known as the Redeveloper, the Parcel Mckly 25-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 22, Block 2, A.Y. Davidson's Second Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$19,400, for Parcel Mckly 25-5 to the City for the land, and the City's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 9:30 a.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Be It Further Resolved that the re-use value for uses in accordance with the Vacant Housing Recycling Program-McKinley plan, as amended, is hereby estimated to be the sum of \$19,400 for Parcel Mckly 25-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper

possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-213
By Goodman

Authorizing sale of land Vacant Housing Recycling Program-McKinley Disposition Parcel No. Mckly 25-5.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel Mckly 25-5, in the McKinley neighborhood, from Renewed Dwellings, Inc., hereinafter known as the Redeveloper, the Parcel Mckly 25-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 22, Block 2, A.Y. Davidson's Second Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$19,400, for Parcel Mckly 25-5 to the City for the land, and the City's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 9:30 a.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Be It Further Resolved that the re-use value for uses in accordance with the Vacant Housing Recycling Program-McKinley plan, as amended, is hereby estimated to be the sum of \$19,400 for Parcel Mckly 25-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price

thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 1223 Humboldt Av N to Emeka G. Okeakpu for \$22,000 or, if that sale fails to close, to Ayaovi A and Carie A. Gbedjangni for \$22,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolutions 2005R-214 and 2005R-215, authorizing the sale of 1223 Humboldt Av N, were passed 4/29/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-214
By Goodman

Authorizing sale of land Near North Urban Renewal Project Disposition Parcel No. 97-37B.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 97-37B, in the Near North neighborhood, from Emeka G. Okeakpu, hereinafter known as the Redeveloper, the Parcel 97-37B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 40, Block 1, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel 97-37B to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Near North Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel 97-37B.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however,

that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-215

By Goodman

Authorizing sale of land Near North Urban Renewal Project Disposition Parcel No. 97-37B.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 97-37B, in the Near North neighborhood, from Ayaovi A. and Carie A. Gbedjangni, hereinafter known as the Redeveloper, the Parcel 97-37B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 40, Block 1, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel 97-37B to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Near North Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel 97-37B.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 1219 Humboldt Av N to Ayaovi A. and Carie A. Gbedjangni for \$22,000 or, if that sale fails to close, to Affordable Custom Builders, LLC for \$22,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolutions 2005R-216 and 2005R-217, authorizing the sale of 1219 Humboldt Av N, were passed 4/29/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolutions.

RESOLUTION 2005R-216

By Goodman

Authorizing sale of land Near North Urban Renewal Project Disposition Parcel No. 97-37A.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 97-37A, in the Near North neighborhood, from Ayaovi A. and Carie A. Gbedjangni, hereinafter known as the Redeveloper, the Parcel 97-37A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 39, Block 1, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel 97-37A to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Near North Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel 97-37A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this

Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-217

By Goodman

Authorizing sale of land Near North Urban Renewal Project Disposition Parcel No. 97-37A.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel 97-37A, in the Near North neighborhood, from Affordable Custom Builders, LLC, hereinafter known as the Redeveloper, the Parcel 97-37A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 39, Block 1, Oak Park Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel 97-37A to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Near North Urban Renewal Project plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel 97-37A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1722 26th Av N to Jordan Area Community Council for \$1 for use as a community garden.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-218, authorizing the sale of 1722 26th Av N, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-218
By Goodman

Authorizing sale of land Disposition Parcel No. JOR 63-12.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel JOR 63-12, in the Jordan neighborhood, from Jordan Area Community Council, hereinafter known as the Purchaser, the Parcel JOR 63-12, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Front or West 42.20 feet of Lots 8 and 9, Block 1, ON THE HEIGHTS, an Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$1 for Parcel JOR 63-12, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission reviewed the sale on January 10, 2005, for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$1 to purchase the Parcel for use as a community garden to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.14 for the sale of land for community gardens; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 19, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the JOR 63-12 for use as a community garden is hereby estimated to be the sum of \$1.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2813, 2817 Bryant Av S, 2808, 2824 Aldrich Av S and 811 W 28th St to Bryant Lofts, LLC for the development of the Track 29 Uptown Housing Project (formerly Urban Village).

Your Committee further recommends that the proper City officers be authorized to execute the necessary documents for said sale.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-219, authorizing the sale of 2813, 2817 Bryant Av S, 2808, 2824 Aldrich Av S and 811 W 28th St, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-219

By Goodman

Authorizing sale of land Track 29 Uptown Disposition Parcel No. UV-5A & B, 7, 8A & 9

Whereas, the City of Minneapolis, hereinafter known as the City, has received offers to purchase and develop Disposition Parcels UV-5A & B, 7, 8A & 9, in the Lyndale/Lake & Lowry Hill neighborhood, from Bryant Lofts, LLC, hereinafter known as the Redeveloper, the Parcels UV-5A & B, 7, 8A & 9, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

(See Exhibit A in Petn No 270358)

Whereas, the Redeveloper has offered to pay the sum of \$1,044,750 (\$12.50 per sq. ft.), for Parcels UV-5A & B, 7, 8A & 9 to the City for the land, and the Redeveloper's proposals are in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use values reviewed by an appraisal expert, stating that the re-use value opinions are consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use values for uses in accordance with the Track 29 Uptown plan, as amended, is hereby estimated to be the sum of \$1,044,750 (\$12.50 per sq. ft.) for Parcels UV-5A & B, 7, 8A & 9.

Be It Further Resolved that the acceptance of the offers and proposals are hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcels in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposals be and the same are hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the

executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee, having under consideration the property at 416 33rd Av N, now recommends passage of the accompanying resolutions:

1) approving a lot division for said property and waiving the requirement for a subdivision plat;
2) authorizing the sale of said property, Parcel 33-13A for \$135.00 to Rosa Sanchez and Parcel 33-13B for \$135.00 to Donald Gary Swensrud, subject to the following conditions:

a) Land sale closing must occur on or before 30 days from date of City Council approval; and
b) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolutions 2005R-220, 2005R-221 and 2005R-222 authorizing lot division, waiver of subdivision plat and sale of the property at 416 33rd Av N, were passed 4/29/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-220

By Goodman

Approving the subdivision of a lot at 416-33rd Avenue North.

Whereas, the City of Minneapolis' Department of Community Planning and Economic Development (CPED) has requested that a parcel of land located at 416-33rd Avenue North and legally described as:

That part of Lots 7 and 8, Block 18, Baker's Fourth Addition to Minneapolis, described as follows: Commencing at a point on the South line of Lot 7, 96.08 feet East of the Southwest corner of said Block 18, thence East along said South line 31.36 feet, thence at right angles North 87.82 feet, thence at right angles West 31.36 feet, thence at right angles South 87.82 feet to the place of beginning.

To be subdivided as follows:

33-13A

The Westerly 15.68 feet of That part of Lots 7 and 8, Block 18, Baker's Fourth Addition to Minneapolis, described as follows: Commencing at a point on the South line of Lot 7, 96.08 feet East of the Southwest corner of said Block 18, thence East along said South line 31.36 feet, thence at right angles North 87.82 feet, thence at right angles West 31.36 feet, thence at right angles South 87.82 feet to the place of beginning.

The Easterly line of said Westerly 15.68 feet is to be 15.68 feet Easterly of and parallel with the West line of said overall parcel.

33-13B

That part of Lots 7 and 8, Block 18, Baker's Fourth Addition to Minneapolis, described as follows: Commencing at a point on the South line of Lot 7, 96.08 feet East of the Southwest corner of said Block 18, thence East along said South line 31.36 feet, thence at right angles North 87.82 feet, thence at right angles West 31.36 feet, thence at right angles South 87.82 feet to the place of beginning except for the Westerly 15.68 feet thereof.

The Easterly line of said Westerly 15.68 feet is to be 15.68 feet Easterly of and parallel with the West line of said overall parcel.

Whereas, CPED intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

33-13A

East 31 36/100 feet of West 96 8/100 feet of Lot 7 and East 31 36/100 feet of South 41 82/100 feet of West 96 8/100 feet of Lot 8, Block 18, Bakers 4th Addition to Minneapolis.

33-13B

All that part of Lots 7 and 8, in Block 18, of Baker's 4th Addition to Minneapolis, described as follows, to-wit: Beginning at a point on the South line of Lot 7 127.44 feet East on said South line 31.36 feet, more or less, to the Southeast corner of said lot 7; thence at right angles West 31.36 feet, more or less; thence at right angles South 87.82 feet to the place of beginning..

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on April 8, 2005, a public hearing on said subdivision and proposed sale was duly held in a meeting of the Community Development Committee of the City Council at 1:30 p.m., 2005, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-221

By Goodman

Authorizing sale of land Disposition Parcel No. 33-13A

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel 33-13A, in the McKinley neighborhood, from Rosa Sanchez, hereinafter known as the Purchaser, the Parcel 33-13A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

The Westerly 15.68 feet of That part of Lots 7 and 8, Block 18, Baker's Fourth Addition to Minneapolis, described as follows: Commencing at a point on the South line of Lot 7, 96.08 feet East of the Southwest corner of said Block 18, thence East along said South line 31.36 feet, thence at right angles North 87.82 feet, thence at right angles West 31.36 feet, thence at right angles South 87.82 feet to the place of beginning.

The Easterly line of said Westerly 15.68 feet is to be 15.68 feet Easterly of and parallel with the West line of said overall parcel.

Whereas, the Purchaser has offered to pay the sum of \$135, for Parcel 33-13A, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$135 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 19, 2005, at the

Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the 33-13A is hereby estimated to be the sum of \$135.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-222
By Goodman

Authorizing sale of land Disposition Parcel No. 33-13B

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel 33-13B, in the McKinley neighborhood, from Donald Gary Swensrud, hereinafter known as the Purchaser, the Parcel 33-13B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

That part of Lots 7 and 8, Block 18, Baker's Fourth Addition to Minneapolis, described as follows: Commencing at a point on the South line of Lot 7, 96.08 feet East of the Southwest corner of said Block 18, thence East along said South line 31.36 feet, thence at right angles North 87.82 feet, thence at right angles West 31.36 feet, thence at right angles South 87.82 feet to the place of beginning except for the Westerly 15.68 feet thereof.

The Easterly line of said Westerly 15.68 feet is to be 15.68 feet Easterly of and parallel with the West line of said overall parcel.

Whereas, the Purchaser has offered to pay the sum of \$135, for Parcel 33-13B, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission received the sale on March 10, 2005 for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$135 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on April 19, 2005, at the

Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:
That the re-use value for the 33-13B is hereby estimated to be the sum of \$135.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 4651 Bryant Av N to Sheldon Brett Suarez and Louise Piche' Suarez for \$175,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-223, authorizing the sale of 4651 Bryant Av N, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-223

By Goodman

Authorizing sale of land Homeownership Works Program Disposition Parcel No. HOME-51.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase Disposition Parcel HOME-51, in the HOME Program, from Sheldon Brett Suarez and Louise Piche' Suarez, hereinafter known as the Purchaser, the Parcel HOME-51, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 3, Block 4, Camden Park Addition.

Whereas, the Purchaser has offered to pay the sum of \$175,000, for Parcel HOME-51 to the City for land and improvements. This offer is in accordance with the City's Homeownership Works Program; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on April 8, 2005, a public hearing on the proposed sale was duly held on April 19, 2005 at the regularly scheduled Community

Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$175,000 for Parcel HOME-51.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved CPED disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Homeownership Works Program.

Be It Further Resolved that the proposal is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$4,500,000 in 501(c)(3) Tax-exempt Revenue Bonds, Series 2005, for the St. Olaf Residence, Inc. for refunding of their current bonds and for facility renovations.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-224 giving preliminary approval to the issuance of up to \$4,500,000 in 501(c)(3) Tax-exempt Revenue Bonds, for St. Olaf Residence, Inc., was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-224

By Goodman

Giving preliminary approval to the issuance of tax-exempt healthcare facilities revenue bonds under Minnesota Statutes, Sections 469.152 to 469.165, as amended, for the purpose of refinancing and financing improvements to an existing skilled nursing facility and assisted living facility, for the benefit of St. Olaf Residence, Inc.

Whereas, the City of Minneapolis, Minnesota (the "City") is authorized, pursuant to Minnesota Statutes, Sections 469.152 to 469.165, as amended (the "Act"), to issue revenue bonds to finance and refinance a "Project" as defined in the Act; and

Whereas, representatives of St. Olaf Residence, Inc., a Minnesota nonprofit corporation (the "Company"), has requested that the City issue tax-exempt healthcare facilities revenue bonds in the amount of approximately \$4,500,000 pursuant to the Act (the "Bonds"), for the purpose of loaning the proceeds thereof to the Company to (i) refund revenue bonds issued by the City in 1993 with respect to the Company's skilled nursing facility located at 2912 Fremont Avenue North in the City and the Company's assisted living facility located at 2929 Emerson Avenue North in the City (collectively, the "Project"), and (ii) finance various capital improvements to the Project in the amount of approximately \$500,000; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the proposed issuance of the Bonds after at least 14 days published notice thereof; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the City, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the issuance of the Bonds in order to refinance and finance improvements to the Project in a principal amount of approximately \$4,500,000 is preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the Minneapolis Department of Community Planning and Economic Development is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to refinance and finance improvements to the Project pursuant to the Act.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev – Your Committee recommends passage of the accompanying resolution adding/deleting parcels from the Minneapolis Housing Replacement Tax Increment Financing District II:

Added Parcels: 2641 Emerson Av N
2615 Thomas Av N
1518 Morgan Av N

Deleted Parcels: 2815 Bryant Av N
623 24th Av N.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-225, authorizing the addition and deletion of parcels to/from the Minneapolis Housing Replacement Tax Increment Financing Plan II, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-225

By Goodman

Adopting the Addition to and Deletion from the Housing Replacement District II of the Below Stated Parcels

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2 By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3 That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4 It has been proposed that the City add three parcels to the District and delete two parcels previously added to the District.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that these three parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City.

2.2 The Council further finds, determines and declares that the properties to be deleted from the District includes two vacant, single-family dwellings located at 2815 Bryant Avenue North and 623 24th Avenue North.

2.3 The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4 The Council further finds, determines and declares that the properties to be added to and certified within the District includes one vacant, substandard single-family dwelling located at 1518 Morgan Avenue North and two vacant lots located at 2641 Emerson Avenue North and 2615 Thomas Avenue North.

2.5 The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.6 The Council further finds, determines and declares that there are now 30 parcels in the Minneapolis Housing Replacement District TIF II with the inclusion of the above named parcels. The maximum number of parcels that can be included in the District is 100 parcels.

Be It Further Resolved that the parcels listed above are hereby approved for inclusion and/or deletion as part of the Minneapolis Housing Replacement TIF District II.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev – Your Committee, having under consideration a restructuring plan for the financing of the City Flats Project at 2633 1st Av S and 2630 Pillsbury Av S (formerly Calypso Flats and B Flats Projects), now recommends approval of the allocation of \$148,000 of Affordable Housing Trust Funds for said project.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev – Your Committee, having under consideration the Low Income Housing Tax Credit (LIHTC) Program and staff's recommendation for changes to be incorporated into the manual and process for the program, now recommends approval of the Low Income Housing Tax Credit Manual and Qualified Allocation Plan, as amended (Petr No 270358).

Your Committee further recommends that the proper City officers be authorized to proceed with issuance of a Request for Proposals under the program.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee, having under consideration the Heritage Park Project and a staff recommendation to approve the Second Amendment to the Heritage Park Redevelopment Contract with Heritage Housing, LLC that would extend the commencement and completion timeframes for phases 1 and 2 of the project, amend Section 5.05 Construction Plan and Specifications and amend Section 11.02 Phases III and IV Improvements, now recommends that the proper City officers be authorized to execute said amendment.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee, having under consideration the Nicollet Island Cooperative - Mid River Residence, Inc. (107 W Island St) and a proposal to restructure the project from a leasehold cooperative to a limited equity cooperative, now recommends:

- 1) Approval of up to \$250,000 of Limited Equity Cooperative funding for the Mid-River Residence, Inc. by Nicollet Island Cooperative;
 - 2) Approval of the restructuring of existing Community Planning and Economic Development (CPED) loans in the amount of \$1,939,340 to Mid-River Residence, Inc. (as outlined in Petn No 270357);
 - 3) Approval of \$30,000 of Non-Profit Housing Development Assistance Funds for the North Country Cooperative Foundation; and
 - 4) Authorization for the proper City officers to execute appropriate documents.
- Adopted 4/29/05.
Absent - Goodman, Johnson, Zerby.

Comm Dev - Your Committee, having under consideration the matter of development rights for Minnesota Department of Transportation (MnDOT) owned land on Buchanan St NE between Winter and Spring Sts NE, now recommends that exclusive development rights be granted to Northeast Community Development Corporation (NECDC) for the period of 18 months to allow NECDC to finalize a multifamily housing redevelopment concept and select a development partner for said site.

Your Committee further recommends that the proper City officers be authorized to negotiate the terms of a direct sale to the selected development partner.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration continuation of the Commercial Corridor Revitalization Program with the Local Initiatives Support Corporation (LISC) for a sixth year for Central and West Broadway Avenues, now recommends that the City match LISC's contribution to the program in an amount not to exceed \$50,000 by passage of the accompanying resolution appropriating \$50,000 to the Community Planning and Economic Development (CPED) Department for said program.

Your Committee further recommends that the proper City officers be authorized to execute a contract for consulting services by and between the City and LISC for a term effective May 1, 2005 and continuing until December 31, 2005.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-226
By Goodman and Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Commercial Corridor Fund (SCD-890-8933)) by \$50,000.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolutions authorizing the submission of environmental remediation grant applications (Spring 2005) to the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account program, the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant program, and the Hennepin County Environmental Response Fund.

Your Committee further recommends that the Humboldt Industrial Park Project be added to the application for Hennepin County Environmental Response Funds.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

(Published May 4, 2005)

Resolutions 2005R-227, 2005R-228 and 2005R-229 authorizing the submission of applications for environmental remediation funding from the Metropolitan Council, the State of Minnesota and Hennepin County, were passed 4/29/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-227
By Goodman and Johnson

Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects.

Whereas, the City of Minneapolis (the "City") was a participant in the Livable Communities Act's Housing Incentives Program for 2001-2002 as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that meet the Tax Base Revitalization Account's purposes and criteria: Van White Boulevard, CVS Pharmacy – Franklin Flats, Humboldt Industrial Park, 24th & Riverside, Greenway Terrace, Hiawatha Business Center and Park Avenue Lofts East; and,

Whereas, the City intends to act as the legal sponsor for one or more of the above-referenced projects, which are more completely described in the Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on May 2, 2005; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of the City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-228
By Goodman and Johnson

Authorizing application to the Minnesota Department of Employment and Economic Development Contamination Cleanup Grant Program for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the contamination clean up applications to be submitted to the

Minnesota Department of Employment and Economic Development (DEED) on May 2, 2005: Van White Boulevard and Humboldt Industrial Park; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the sources and amounts of the local match identified in the applications are committed to the identified projects; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the DEED for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Department of Employment and Economic Development for Contamination Clean Up Grant Program funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-229
By Goodman and Johnson

Authorizing application to the Hennepin County Environmental Response Fund for various projects.

Whereas, the City of Minneapolis intends to act as the legal sponsor for one or more of the following projects that are more completely described in the Environmental Response Fund applications to be submitted to Hennepin County on May 2, 2005: Park Board B.F. Nelson site, Klesk Metal site, Van White Boulevard, CVS Pharmacy – Franklin Flats, 2601 West Broadway, Greenway Terrace, Hiawatha Business Center and Humboldt Industrial Park; and,

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with Hennepin County for one or more of the above-referenced projects and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Planning and Economic Development or other appropriate staff to apply to the Hennepin County Environmental Response Fund for funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends passage of the accompany Resolution approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities. Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-230, approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-230

By Johnson Lee

Approving appointments and reappointments to the Minneapolis Advisory Committee on People with Disabilities.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Mayoral and City Council appointments and reappointments to the Committee, for two-year terms to expire December 31, 2006:

Appointments

Keith Swanson, 5521 Newton Av S (Ward 13)

Reappointments

Dorothy Balen, 201 W 31st St (Ward 10)

Kenneth Brown, 3808 E 45th St (Ward 12)

Douglas Friauf, 2329 S 9th St (Ward 2)

Martha Hage, 121 Washington Av S (Ward 7)

Lolly Lijewski, 1225 LaSalle Av (Ward 7)

Leslye Orr, 3553 45th Av S (Ward 12)

Jim Ramnaraine, 5148 16th Av S (Ward 11).

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

H&HS - Your Committee passage of the accompanying Resolution approving appointments and reappointments to the Latino Community Advisory Committee to the Mayor and City Council.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-231, approving appointments and reappointments to the Latino Community Advisory Committee to the Mayor and City Council, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-231

By Johnson Lee

Approving appointments and reappointments to the Latino Community Advisory Committee to the Mayor and City Council.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Mayoral appointments and reappointments to the Committee, for one and two-year terms:

Appointments to expire December 31, 2005

Mauricio Catrileo, 694 37th Av NE (Ward 3)

Oscar Bohorquez, 6801 Chicago Av S, Richfield

Doris Ruiz, 3023 Lyndale Av S (Ward 10)

Sharifa Elaraz, 2925 Queen Av S, St. Louis Park

Reappointments to expire December 31, 2005

Daniel Moreno, 5412 Park Av S (Ward 11)

Lawrence Hubbard, 3800 Pleasant Av S (Ward 10)

Appointments to expire December 31, 2006

Aide Salgado-Diaz, 6241 Brookview Av, Edina (Youth Position)

Hector Martinez, 787 Smith Av S, St. Paul

Angel Morales, Sr., 7900 Perry Av N, Brooklyn Park

Jacqueline Belzer, 3132 James Av S (Ward 10)

Miguel Martinez, 3321 32nd Av S (Ward 9)

Luis Paucar, 2708 Edinbrook Terrace N, Brooklyn Park.

Reappointments to expire December 31, 2006

Victor Martinez-Ramos, 3419 Garfield St NE (Ward 1)

Edna Herlitz, 102 E Lake St (Ward 6).

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

H&HS - Your Committee, having under consideration the 2005 Summer Youth Employment Program, now recommends that the proper City Officers be authorized to accept \$234,500 and execute a contract with the Tree Trust to provide funds to expand the Summer Youth Program by a minimum of 215 jobs.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

H&HS - Your Committee recommends that the proper City Officers be authorized to submit a grant application to the United States Department of Labor, on behalf of the Minneapolis Workforce/Private Industry Council, seeking an 18-month grant of up to \$500,000 through the Workforce Investment Act - Grants to Workforce Investment Boards to fund a project targeting hard to serve people, and also serving targeted industries and employers by helping them find employees or increasing wages and job responsibilities for employees.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee, having under consideration the federally funded Twin Cities Healthy Start Project, now recommends that the proper City Officers be authorized to issue a Request for Proposals to establish a four-year Eligible Providers list of community agencies that would be eligible to receive contracts for services for the period June 2005 through May 2009. (Petr No 270363)

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

(Published 5/4/05)

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

IGR – Your Committee recommends passage of the accompanying resolution supporting funding to provide a quality education for the Community of Minneapolis.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

(Published 5/4/05)

Resolution 2005R-232, supporting funding to provide a quality education for the Community of Minneapolis, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-232

By Benson, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Lilligren, Schiff, Niziolek, Colvin Roy and Lane

Supporting funding to provide a quality education for the Community of Minneapolis.

Whereas, education is the cornerstone of a successful community and vital to its economic competitiveness through its ability to provide an educated workforce; and

Whereas, a strong education system is the cornerstone of democracy and vital to the quality of life in Minneapolis; and

Whereas, a report from the Federal Reserve Bank of Minneapolis (*Government's Role in Early Childhood Development, September 2003*) found a high rate of return for dollars invested in early childhood development through higher lifetime earnings, higher tax revenues, and lower government transfer payments; and

Whereas, the Minneapolis Public School District faces a shortfall of about \$24 million for the 2005 - 2006 school year, and the Governor's proposal to increase school funding is woefully inadequate as it provides only an additional \$4.8 million more to Minneapolis leaving a remaining gap of nearly \$19 million; and

Whereas, the Minneapolis Public Schools have a high burden placed on them to serve underprivileged children and children with special needs, as well as many children from very diverse economic, social and racial backgrounds, which may require resources beyond the bounds of traditional education; and

Whereas, education is one of the most valuable assets of our community, yet we fail to adequately reward those who choose one of the most important occupations in our society; and

Whereas, the State should meet its obligation and the promise it made when it passed property tax reforms in 2001 to adequately fund education;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports funding for programs like Early Childhood Family Education and Headstart.

Be It Further Resolved that the City of Minneapolis supports special funding and targeted revenue streams to meet the various, and sometimes unique, needs of students in Minneapolis.

Be It Further Resolved that the City of Minneapolis supports an increase in the general education formula that will close the gap between revenues and expenditures in Minneapolis.

Be It Further Resolved that we support raising state taxes, if necessary, to meet our obligation to provide a world-class education for our community.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

IGR – Your Committee recommends passage of the accompanying resolution approving Laws of Minnesota 2005, Chapter 24, relating to liquor, authorizing the City of Minneapolis to issue an on-sale liquor license to the Walker Art Center.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-233, approving Laws of Minnesota 2005, Chapter 24, authorizing the City of Minneapolis to issue an on-sale liquor license to the Walker Art Center; amending Minnesota Statutes 2004, Section 340A.404, Subdivision 2, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-233

By Benson

Approving Laws of Minnesota 2005, Chapter 24.

Whereas, the Minnesota State Legislature has passed a law relating to liquor; authorizing the City of Minneapolis to issue an on-sale liquor license to the Walker Art Center; amending Minnesota Statutes 2004, section 340A.404, subdivision 2; and

Whereas, said law, by its terms, requires an affirmative vote of a majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said law be now approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Indoor Smoking*, amending Section 234.30 entitled *Responsibilities of Proprietors*, to allow matchbooks to be provided for ceremonial or promotional purposes, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-028 amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Indoor Smoking*, amending Section 234.30 to allow matchbooks to be provided for ceremonial or promotional purposes, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-028

By Ostrow

Intro & 1st Reading: 4/1/05

Ref to: PS&RS

2nd Reading: 4/29/05

Amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Indoor Smoking.

The City Council of The City of Minneapolis do ordain as follows:

That Section 234.30 of the above-entitled ordinance be amended to read as follows:

234.30. Responsibilities of proprietors. The proprietor or other person in charge of a bowling alley, pool and billiard hall, or liquor or food establishment shall:

- (1) Post "No Smoking" signs that comply with the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0500, as amended from time to time;
- (2) Ensure that ashtrays, lighters, and matchbooks are not provided in any area where smoking is prohibited, however such prohibition against matchbooks shall not apply to matchbooks that are provided solely for ceremonial or promotional purposes; and
- (3) Ask any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, take the appropriate action to remove the person from the premises.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances to eliminate the annual sign registration fee requirement and special council permit issuance; to allow sign hanger and billboard erector licenses to be administered by the Department of Regulatory Services instead of being approved by the City Council; to consolidate the number of sign hanger licenses; and to eliminate redundancies and contradictions between ordinances, now recommends that said ordinances be given their second reading for amendment and passage:

a. Repealing Title 5, Chapter 109 relating to *Building Code: Signs and Billboards*.

b. Amending Title 5 relating to *Building Code* by adding a new Chapter 109 entitled *Signs and Billboards*.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-029 repealing Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, repealing Sections 109.10 through 109.540, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-029
By Schiff and Niziolek
Intro & 1st Reading: 12/23/04 & 4/1/05
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to Building Code: Signs and Billboards.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 109 of the above-entitled ordinance be and is hereby repealed.

ARTICLE I. GENERALLY

109.10. Definitions. As used in this chapter:

Area shall mean the surface included within the framework of any sign or billboard, measured from outside to outside of such framework, ladders and scrollwork not included.

Backlit awning sign shall mean a fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage. Such signs are internally illuminated by fluorescent or other light sources in fixtures approved under national and state electrical codes.

Billboard shall be construed to mean all structures which derive their major support and stability from structural members other than those that are an integral part of another structure or building, which structures are erected, maintained or used for the public display of posters, painted signs or reading matter.

Frontage shall mean a section of the front of the building, twenty (20) feet in width, extending from the ground to the top of the building.

Globe sign shall include any illuminated globe attached to the exterior of a building or structure and on which advertising matters or letters of any kind appear.

Occupant shall mean any person owning or renting, and occupying a building or any part thereof, and for the purpose of carrying on business therein. Wherever it is stated in this Code that only one sign is permitted for any occupant of a building, it shall mean but one projecting sign advertising the wares or business of that occupant only.

Sign shall mean any device or surface on which letters, illustrations, designs, figures or any other symbols are painted, printed, stamped, raised or in any manner outlined or attached, and used for display.

Street shall be construed to mean the area between property lines and shall include the roadway, outside boulevard, sidewalk and inside boulevard as designated by this Code.

Street property line shall mean the line of demarcation between public property and private property.

Temporary sign shall be a sign erected for a limited period of time which may be constructed of approved nonconforming materials. The time period permitted shall be as established by the zoning ordinance or as determined by the director of inspections.

Wall sign shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane generally parallel to the plane of said wall. No portion of any such wall sign shall project from the wall more than fifteen (15) inches except those projections permitted by section 109.110.

109.20. Sign hangers, billboard erectors to be licensed. No person shall install, reconstruct, alter, repair or remove any sign upon the exterior walls or upon the roof of any building, or erect, reconstruct, alter or repair any billboard within the city without first having secured a license from the city council authorizing him or her to do so. Such licenses shall be divided into two (2) kinds, sign hanger's license and billboard erector's license. Billboard erectors' licenses shall include erecting, reconstructing, altering or repairing billboards only.

Sign hangers licenses shall be further divided into two (2) classes: Class A sign hangers license and Class B sign hangers license. Class A sign hangers licenses shall include all branches of the business of installing, reconstructing, altering, repairing or removing signs upon the exterior walls or upon the roof of any buildings and erecting, reconstructing, altering or repairing billboards. Class B sign hangers licenses shall be limited to all branches of the business of installing, reconstructing, altering, repairing or removing signs or fixed awnings/canopies which fall within the following parameters:

(a) Banners having an area less than one hundred twenty (120) square feet, the top of which may be placed up to twenty (20) feet above the curb level;

(b) Exterior wall signs having an area less than forty (40) square feet, any single dimension of which is not to exceed seventeen (17) feet, and the top of which may be placed up to twenty (20) feet above the curb level;

(c) Nonilluminated ground signs having an area less than forty (40) square feet, the top of which may be placed up to twenty (20) feet above the curb level;

(d) Installing new or recovering of existing canopies, fixed awnings, or back-lit awning signs, on which there are nonadvertising signs; and

(e) Specifically excluded from Class B sign hangers licenses is any signage placed on the roof of buildings; projecting signs; signs requiring engineered structural elements or structural alteration, repair and removal.

Said licenses shall be issued in accordance with the provisions of Chapter 277, Article XIV, of this Code.

Said licensed person shall, in each and every instance before installing or altering any sign, billboard, awning, canopy or back-lit awning for which a permit is required under the provisions of this Code, obtain a permit therefor from the director of inspections.

109.30. Permits required. Except as hereafter provided, no person shall paint or install any sign in any manner upon, or attached to, or supported by any building, on the exterior thereof or erect or construct any billboard except a nonadvertising sign which is twelve (12) square feet or less in area, and not over six (6) feet above ground to any part of the structure, without first obtaining a permit therefor from the director of inspections. Permits for the erection of billboards, advertising wall signs, advertising roof signs, poster panels or ground signs shall not be issued except upon action of the city council, except such billboards, wall signs, roof signs, poster panels or ground signs which are less than seventeen (17) square feet in area. Further, liquor or beer advertisements and signs must comply with the provisions of section 360.30 of this Code. For the purposes

of this section, a poster panel is a wall sign not exceeding two hundred (200) square feet in area, or a billboard, ground sign or roof sign used for signposting.

Permits for on-premise business signs required by this section and section 360.30 of this Code, to have city council approval, shall not be issued until the applicant has furnished the following: A blueprint, diagram or illustration indicating the location and placement of the sign on the property or building, along with an illustration showing how the sign will appear, including all permanent copy. Permits for advertising signs required to have a council permit by this section or section 360.30 of this Code shall not be issued until the applicant has furnished the following: A copy of a sign location lease between the licensed sign company and the owner of the property; a blueprint, diagram or illustration indicating the location and placement of the sign on the property or building, along with an illustration showing how the sign will appear, including all permanent copy. Permanent copy for the purposes of this section shall mean copy painted on the wall of the building or copy intended to remain in place for a period of one year or longer.

109.40. Poster panel permits and regulations. (a) No person shall post, paste, fasten, tack, erect or otherwise affix any placard, bill, poster, advertising matter, notice or other like sign used as or which constitutes an "advertising sign" as defined in section 522.40 of this Code, or cause the same to be done, upon or on any public or private property when the same is located out-of-doors in view of the general public. Unless placed upon a poster panel, billboard or other signboard erected for that purpose and for which a permit has been obtained:

(b) A permit for such poster panel or other such signboard shall be obtained from the director of inspections. Such permit shall not be issued until the applicant has submitted upon a form supplied by the department of inspections, satisfactory evidence to the director of inspections that the owner or person in control of the property upon which the poster panel is to be located has given permission to locate the poster panel on said property.

109.50. Permit exceptions. No sign permit shall be required for the installation of any sign the area of which, computed by multiplying its greatest width by its greatest length, is less than three (3) square feet and which merely announces the name of the proprietor or the nature of the business conducted at that location; nor for globe signs, as defined in this Code; nor for signs placed on the inside of any building; nor for the replacement of the removable display board or panel or other removable display surface of a sign or of a billboard having a stationary framework or structure so designed that a display board or panel or other display surface may be inserted therein or attached thereto or removed therefrom whenever desired without unfastening or removing said stationary framework or structure from its supports; nor for approved signs loosened from their supports and taken down, painted and replaced without any change having been made in their size or form, or in the ownership thereof; nor for bulletin boards not exceeding twelve (12) square feet in area for public, charitable or religious institutions when attached to the buildings of such institutions. Nor shall a permit be required for repainting any legal, existing projecting sign, flat wall sign, roof sign, ground sign, billboard, or when there is no change in copy or size for a sign painted directly on the wall of a building for which previous permit had been issued, nor for the reposting of signs or billboards erected specifically for the purpose of posting and for which a previous permit had been issued.

109.60. Political campaign signs. Notwithstanding any other provision of this Code to the contrary, no license or permit shall be required for the placing of temporary political campaign signs not more than thirty-two (32) square feet in area where the placing of such signs is authorized by the zoning ordinance. Lawn signs shall be removed six (6) days after a general election.

109.70. Posting and "snipe" advertising, etc. No person, except a public officer or a government employee in the performance of a public duty, shall, maintain, place, erect, paint, paste, print, nail, tack or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising or notice of any kind, or cause the same to be done, on any curb, street, walk or public thoroughfare surface, fence, board, barrel, box case, railing, pole, post, tree, barricade, material bridge, bridge fender, dock, building or structure of any kind, within the city except as may be permitted by this chapter or other provisions of this Code.

109.80. Application for permit. Every licensed sign hanger, applying for a permit for the installation of a sign, shall state the name of the owner of such sign, the location of the building on which it is to be installed, the size and cost of the proposed sign and the materials of which it is to be constructed and such other information in connection therewith as may be required by the director of inspections, and when required by the director of inspections, shall file with the department of inspections plans and specifications for such sign, which shall show the proposed design and construction of such sign and the manner in which it is to be

attached to the building on which it is to be installed, and the nature and size of the materials to be used in such installation. Every licensed billboard erector, applying for a permit for the erection of a billboard, shall state the name of the owner of such billboard, the address of the lot on which it is to be erected, the size and cost of the proposed billboard and the materials of which it is to be constructed and such other information in connection therewith as may be required by the director of inspections, and shall file with the department of inspections plans and specifications for such billboard which shall show the proposed design and construction of such billboard, the materials to be used in such billboard and a plot plan to show the proposed location of such billboard with respect to property lines and other buildings on the same property or adjacent property.

109.90. Electric signs wired outside city. In the case of each electric sign manufactured and wired outside the city, but to be installed within the city, no permit for the hanging of such sign shall be issued by the director of inspections until a permit covering the wiring of such sign shall have first been secured from the department of inspections by a licensed electrician who thereby assumes all responsibility for bringing said wiring into conformity with the requirements of this Code; nor then until said wiring shall have been inspected and approved by an electrical inspector of the department of inspections.

109.100. Permit to keep signs, billboards. No person shall keep or maintain any sign or billboard, as defined in the building code, for which an annual maintenance fee shall have been established by Chapter 91, without first having applied to and obtained from the director of inspections a permit to do so, the number of which permit shall be recorded in the department of inspections. Such permit shall expire on the first Monday of May of each and every year thereafter, and shall be renewed annually on or before said date for as long as such sign or billboard shall be so maintained; however, no such permit shall be required until the first Monday of May following the erection and construction of such sign or billboard for which a permit under section 109.30 shall have been obtained.

109.110. Wall signs over public property. The sign spreaders of all flat walls extending over public property shall limit the thickness of such signs to fifteen (15) inches, and if channels or electrical tubing and lamps are used they shall not project more than four (4) inches beyond said face. Such signs attached flat against the face of a building wall abutting on a street, alley or public property, or attached as close thereto as the construction or projections of the building will permit, shall not be held to project over such street, alley or public property, for the purposes of this Code, and shall not be subject to the regulations for signs projecting over a street, alley or public property.

109.120. Height of flat wall signs over public property. Flat wall signs extending over public property a maximum of fifteen (15) inches may be hung so that the lowest point thereof shall be not less than eight (8) feet above the level of the sidewalk, except flat wall signs that extend three (3) inches or less over the public property may be hung at any height over public property when constructed entirely of uncombustible material except for nailing rails or ribbons which may be of wood of two-inch nominal thickness.

109.130. Construction of signs on buildings. (a) All signs attached to or placed on any building shall be adequately supported and secured to such building by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or braces, in a manner subject to the approval of the director of inspections. No staples shall be used for securing any projecting sign to any building. All projecting and roof signs shall be constructed and braced to withstand a horizontal wind pressure of at least thirty (30) pounds for every square foot of surface exposed in any such sign.

(b) A building or part of a building to which a sign is to be attached, and the foundation of such building, shall be of sufficient strength to safely resist the resultant of the dead load and the wind load of the sign, in addition to the dead load, the live load and the wind load the building or part thereof is otherwise designed to carry.

109.140. Signs obstructing egress, ventilation. No sign of any kind shall be erected, constructed or maintained on any building in such a manner as to obstruct any fire escape, or any window or door or opening used as a means of egress or for fire-fighting purposes or so as to prevent free passage from one part of a roof to any other part thereof, nor shall any sign be attached, in any form, shape or manner, to a fire escape, or be so placed as to interfere with any opening required for legal ventilation. Transom windows may be covered entirely or in part by a completely incombustible sign built of metal panels, with all backing and supports of metal, when the glass and framework of the transom windows are left in place. Windows, except transom windows referred to above, may be covered with a sign provided the opening is properly closed up as per building code requirement. Stationary shown windows in a building may have cutout letters of incombustible

material covering the upper one-third of such show window providing such letters are a minimum of eight (8) feet above the sidewalk:

109.150. Sign maintenance. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of maintenance. The display surfaces of all signs shall be kept neatly painted or posted at all times. When the posted or painted surface of an existing sign is found to be missing, peeled, blistered, cracked, flaked, scaled or chalked away on more than twenty-five (25) per cent of the surface area of the sign, such sign shall be deemed in need of repainting, posting or removal. The director of inspections may order the removal of any such sign that is not so maintained or painted, or the supports, guys, braces and anchors of which are not so maintained, and it shall be unlawful for the owner or person having charge of such sign not to have the same repaired or removed after receiving notice from the director of inspections to do so:

109.155. Abandoned signs. Any sign which advertises a commodity, service or entertainment no longer in existence and any sign which directs attention to a business, profession, commodity, service or entertainment no longer in existence at the premises on which such sign is located, shall be deemed abandoned and shall be removed by the owner of the premises on which such sign is located within thirty (30) days of notice so to do from the director of inspections or shall have shown reasonable cause for failure so to do. The removal required by this section shall include all supporting brackets, frames or other structural elements of the abandoned sign. The obtaining of an annual sign maintenance permit shall in no way be construed to modify, alter or extinguish the enforcement of this section:

109.160. Height over public property. (a) Except as provided in section 109.430(a), no sign, projecting over public property, shall be so hung that the lowest point thereof will be less than twelve (12) feet above the level of the sidewalk, except such signs as do not exceed four (4) square feet in area and do not project over public property more than twenty-four (24) inches, which signs shall be hung not less, at any point, than seven and one-half (7 1/2) feet above the level of the sidewalk, and excepting, also, signs projecting over public alleys, which shall not be hung less than fifteen (15) feet above the level of any such driveway:

(b) No portion of any electric sign, inclusive of the supports or attachments thereof, shall project more than eight (8) feet and six (6) inches over public property measured along the sign in the direction of projection, nor to within less than eighteen (18) inches from the outer curbline:

109.165—109.210. Reserved.

109.220. Electrical requirements. Every electrical sign shall be wired and installed to meet the requirements of the electrical code of the city:

109.230. Sign identification. Every sign, erected and attached in any manner to a building, shall be plainly marked with the name of the contractor or erector. Said contractor or erector shall also attach in an approved manner a permit number label upon each sign in such a manner and place so as to be easily viewed and readable. The permit label shall be furnished by the department of inspections and shall not be removed, painted over or defaced:

109.240. Removal of unsafe signs. Every sign heretofore installed which is deemed unsafe by the department shall be either removed immediately on the order of the director of inspections or shall be put in a safe condition:

109.250. Swinging or moving signs. (a) No swinging sign shall be erected or hung on, or attached to, any building after May 13, 1955; and every such sign so erected, hung or attached prior to said date, which is deemed unsafe by the department, shall be immediately removed by the owner thereof or changed to conform with ordinance requirements, when so ordered by the director of inspections. All existing swinging signs shall be removed or be altered to comply with present ordinance requirements by January 1, 1956:

(b) No permit for erection of any revolving or mechanically animated sign or billboard shall be issued until detailed plans and specifications have been approved by the director of inspections:

(c) All such signs and billboards shall be constructed entirely of metal and no shaft shall be less than one-half inch in diameter of which adequate provisions shall be provided to maintain proper lubrication at all times:

(d) No pendulum-type sign shall project over public property:

109.260. Space between wall and sign. In no case shall more than two (2) feet of space intervene between the inner edge of any projecting sign and the face of the wall from which it projects:

109.270. Proximity to electrical conductors. (a) The minimum clearance of any sign from unprotected electrical conductors (whether on poles or otherwise) shall be not less than thirty-six (36) inches for conductors

carrying not over six hundred (600) volts, and forty-eight (48) inches for conductors carrying more than six hundred (600) volts:

(b) In all cases where a sign is proposed to be hung adjacent to an electrical conductor carrying a voltage higher than six hundred (600) volts the sign shall not be erected until the conductors shall have been examined and approved by an electrical inspector of the department of inspections:

109.280. Widening of streets. In case the roadway of any street is hereafter widened, any existing projecting sign which then projects to within less than eighteen (18) inches of the newly created outer curbline of said street shall be at once removed or brought into conformity with the requirements of this Code for signs hereafter erected:

109.290. Inspection, correction of signs. (a) The director of inspections shall inspect all new installations hereafter made of signs on or attached to buildings, and the manner of fastening, anchoring, bracing and supporting of all such signs and the materials and workmanship in connection therewith shall be subject to the director's approval. Any person installing any projecting or roof sign on or attached to any building, or any sign (other than a projecting sign) attached to the exterior wall of any such building and exceeding forty (40) square feet in area shall arrange for and secure the inspection and approval by said inspector of all fastenings, anchorages, bracing, etc., for such sign before the same are so concealed or covered up as to interfere with or prevent a competent inspection of same:

(b) Said inspector shall inspect all existing signs on or attached to buildings as often as may be practicable. Where any such signs or their fastenings, anchorages, supports or bracing are found to be in an unsafe, insecure or defective condition or not in compliance with any ordinance provisions applicable thereto, the inspector shall order and compel the removal of any such sign or the elimination of such unsafe, insecure or defective condition or material, or require such changes as may be necessary to bring such sign and its fastenings, supports and bracing into conformity with ordinance requirements, as the case may require. The owner or person in charge or control of such sign shall, when so ordered by the director of inspections as above provided, forthwith remove such sign, eliminate such unsafe, insecure or defective condition or material or so change such sign and its fastenings, supports and bracing as to bring the same into conformity with ordinance requirements, as so ordered:

109.300. Globe signs. No globe sign attached to any building shall exceed eighteen (18) inches in diameter, or project over public property more than thirty (30) inches, or at a less height, in the clear, than twelve (12) feet above the sidewalk or fifteen (15) feet above an alley:

109.310. Reflectors. No reflector used to illuminate any sign shall project over public property at a less height than twelve (12) feet above the sidewalk or fifteen (15) feet above any alley. Where it extends over a sidewalk, no portion of such reflector or its supports shall extend beyond a point eighteen (18) inches inside the curbline:

109.320. Sign classification restriction. Except as hereinafter provided, where a sign is subject to more than one classification, all regulations governing the various classifications to which said sign is subject shall be applicable to such sign:

109.330. Removal of signs. Whenever a sign of any type is removed, either intentionally, accidentally or by an act of God, all cables, fastenings, anchors, braces, guy wires, etc., must be removed completely:

109.340. Combustible plastics. Combustible plastics may be used in the construction of letters, decorations and facings on any sign. This material, when so used, shall burn no faster than 2.5 inches per minute in 0.060 inch thickness when tested in accordance with A.S.T.M. Standard Method Test for Flammability of Plastics over 0.050 inch in thickness (D635-44):

109.350. Structural steel. All structural steel used in the construction of or to support, anchor or brace any sign or billboard shall be of a minimum thickness of one-fourth inch when such steel is exposed to the weather:

109.360. Wood. Where wood is permitted in the construction of any sign or billboard, such wood shall be given two (2) coats of exterior paint before or at the time of erection and shall be painted every two (2) years thereafter:

109.370. Banner signs. (a) Temporary signs and banners attached to a building and constructed of canvas or other cloth or other combustible material, with or without framework, shall be strongly constructed and shall be securely attached to their supports. They shall be removed, including all framework and supports, as soon as damaged or torn and in no case later than sixty (60) days after erection:

(b) Temporary signs of combustible material shall be not larger than one hundred twenty (120) square feet in area for each twenty (20) feet of building frontage. There shall not be more than one temporary sign on any building frontage.

(c) No temporary sign of combustible construction shall project over public property but may extend a maximum of six (6) inches from the face of the building.

(d) Temporary signs of combustible construction shall not be hung so as to cover either partially or completely any door, window or opening required for ventilation.

109.380. Wood signs. (a) No wood sign erected after May 13, 1955, attached to the front of a building, shall exceed three (3) square feet in area, nor shall more than one such sign be attached to each street front of a building for any one occupant thereof.

(b) Cutout letters of wood or Tempered Prestwood or other similar material of equal properties as to strength, fire and moisture resistance, may be erected on the street frontage of a building when mounted on metal supports. Such signs shall not exceed sixty (60) square feet in area, as determined by multiplying the greatest width by the greatest length of the combined group of letters for every twenty (20) feet of building frontage. Only one such sign shall be permitted for any occupant of the building.

(c) No wood or metal clad wood sign erected after May 13, 1955, shall project over public property.

109.390. Metal and metal clad wood signs. (a) All metal signs which project over public property shall be constructed of metal not lighter than No. 24 U.S. Standard Gauge.

(b) Nonilluminated metal signs shall not project over public property more than six (6) feet, inclusive of supports, nor shall such metal signs exceed twenty-five (25) square feet in area, nor shall more than one such sign be attached to each street front of a building for any occupant thereof.

(c) All metal signs that exceed twenty-five (25) feet in area shall be illuminated and shall meet all the requirements for electric signs as stated in section 109.420.

(d) No section of a metal or metal clad wood sign, attached basically parallel to the face of a building which face fronts on a street, shall exceed three hundred (300) square feet in area for any twenty (20) feet of street frontage on such building.

109.400. Wire mesh or open signs. (a) A wire mesh or open sign, within the meaning of this Code, shall be any sign constructed of wire mesh or open metal work in such a manner that the total area of the openings in the sign shall be at least equal to one-half the total area of the sign.

(b) No section of a wire mesh or open sign, attached against or parallel to the street front of a building, shall exceed three hundred (300) square feet in area for any twenty (20) feet of street frontage on such building.

(c) No wire mesh or open sign, projecting over public property, shall exceed one hundred twenty-five (125) square feet in area nor shall more than one such sign be attached to each street front of a building for any occupant thereof.

(d) No wire mesh or open sign, placed parallel to the street front of a building, shall extend more than fifteen (15) inches over public property, measured on a line at right angles to the face of the building.

(e) No wire mesh or open signs, attached at any angle to the street front of a building, shall project more than six (6) feet over public property, measured on a line at right angles to the face of the building.

109.410. Glass signs. (a) No section of a glass sign, attached against the street front of a building, shall exceed four (4) feet in its vertical dimension, at any story.

(b) No glass sign shall project more than six (6) feet over public property.

(c) No glass sign, projecting over public property, shall exceed forty (40) square feet in area, measured on all the combined display faces of the sign, nor shall more than one such sign be attached to each street front of a building for any occupant thereof. Only plate glass or wire glass shall be used in the exposed panels of any such sign, except that transparent or translucent material other than glass may be substituted therefor if first approved by the department of inspections, as equally safe for such use.

(d) Glass box signs, projecting over public property, shall not project more than six (6) feet, nor exceed forty (40) square feet in area, measured on all the combined display faces of the sign, nor shall more than one such sign be attached to each street front of a building for any occupant thereof. Only plate glass or wire glass shall be used in the exposed panels of any such sign, except that transparent or translucent material other than glass may be substituted therefor if first approved by the department of inspections as equally safe for such use.

(e) Where double strength glass is used in the construction of glass signs no exposed panels of such glass in any such sign shall exceed one hundred forty-four (144) square inches in area between supporting metal ribs. Single strength glass shall not be so used in the construction of any glass sign.

(f) If plate glass is employed in the construction of any glass sign, no exposed panel of such glass shall exceed ten (10) square feet in area between such metal supports. If wire glass is so employed, it shall not be less than one-fourth inch in thickness and no exposed panel of such glass shall exceed twenty (20) square feet in area between such metal supports.

(g) Glass signs shall be constructed that each panel of glass therein shall be securely fastened to the body of the sign, independently of all other panels.

(h) Glass signs shall be constructed in metal frames only, properly painted for protection against corrosion. Wherever sheet metal is used as a part of a panel, the thickness of such metal shall not be less than No. 22 U.S. Standard Gauge.

(i) A glass sign shall mean any sign the design and advertising matter of which is outlined by illumination from within the sign and the exposed glass panels or surfaces of which are securely held in place by the members of the metal structure of the sign.

109.420. Electric signs. (a) An electric sign, within the meaning of this Code, shall be any sign the illumination of which, in whole or in part, is accomplished by electric wiring, material or devices installed on, in or in any manner attached to or connected with such sign.

(b) Signs illuminated by electric lights, and the display faces of which are made of glass, shall be subject to the regulations hereinbefore provided for glass signs, and shall also conform to all requirements relating to the wiring of electric signs, as provided for in this Code, pertaining to electric wiring.

(c) Electric signs must be constructed entirely of metal, glass, porcelain or other noncombustible material except as provided in section 109.340.

(d) Sheet metal used in construction of electric signs must not be less than No. 24 U.S. Metal Gauge. All metal must be galvanized, enameled or treated with at least three (3) coats of anticorrosive paint or compound.

(e) Bottoms of signs for outdoor use, or otherwise exposed to dampness, must have sufficient drain holes at least one-fourth inch in diameter.

(f) No section of an electric sign erected after May 13, 1955, attached against the street front of a building, shall exceed three hundred (300) square feet in area for any twenty (20) feet of street frontage on such building.

(g) No section of any sign erected or attached against the wall of a building after May 13, 1955, shall prevent access to electrical boxes and fittings.

(h) No electric sign erected after May 13, 1955, attached at any angle to the street front of a building shall project over public property more than eight (8) feet and six (6) inches, measured along the sign in the direction of projection, except as provided in section 109.430; nor shall more than one such sign be attached to each street front of a building for any one occupant thereof. No electric sign erected after May 13, 1955, placed at any angle over public property shall exceed four hundred (400) square feet in area.

(i) The distance between the principal parallel faces of an electric sign, projecting over public property, shall not exceed twenty (20) inches. An additional four (4) inches will be permitted beyond each face for channels or electrical tubing and lamps.

Where any totally enclosed V-type projecting sign is erected over public property, its outermost face shall not exceed twenty (20) inches in width nor shall such sign exceed six (6) feet in width at point of attachment to building. An additional four (4) inches will be permitted beyond each face for channels or electrical tubing and lamps.

(j) Every electric sign, projecting over public property, shall be sufficiently lighted by electric devices to give at least an intensity of ten (10) footcandles of illumination for every square foot of sign area, measured on all the combined display faces of such sign.

(k) Before any electric sign is installed in place, or the wiring in the same concealed, the erector or manufacturer thereof shall notify the electrical inspector in the department of inspections, who shall make or have made, an inspection of such sign within forty-eight (48) hours thereafter within the city, and if approved by said inspector, said sign may then be installed in place.

(l) The use of flashers or chasers on any projecting electric sign, located within thirty (30) feet of the corner formed by the intersection of the street property lines, is prohibited unless the flashing or chasing actions are a minimum of sixteen (16) feet above the level of the sidewalk. If the sign is located beyond a

distance of thirty (30) feet from the corner formed by the intersection of the street property lines, the flashing or chasing actions may be a minimum of fourteen (14) feet above the level of the sidewalk.

(m) Projecting electric signs may be carried back over the roof of the building from which the sign projects. If the portion which extends over the roof exceeds one hundred (100) square feet in area or extends more than ten (10) feet back of the face of the building, all provisions of this Code with respect to roof signs will govern that portion of the sign.

109.430. Signs on marquees, fixed awnings, backlit awnings, porticos.—(a) There shall be no advertising on marquees, backlit awnings, or canopies projecting over public property, except that a name or nameplate designating the owner or operator shall not be construed as advertising. Further, the letters of an identification marquee, backlit awning, or canopy sign shall not exceed sixteen (16) inches in height, except that the uppercase or capital letters and the upward or downward extensions of any lowercase letters in a script sign shall not exceed thirty-six (36) inches in height; and in a block letter sign, such letters shall not exceed sixteen (16) inches in height, except in a trade name or logotype, the larger letters shall not exceed thirty-six (36) inches in height. In no case, however, shall the total distance from the bottom of the lowest letter to the top of the highest letter exceed forty-two (42) inches.

(b) No letters shall extend below the marquee or canopy unless the bottom of the letter is at least twelve (12) feet above the sidewalk and there shall be no more than three (3) such signs on any one marquee or canopy, or more than one sign on any one marquee or canopy face.

(c) There may be an extension of a maximum of eleven (11) inches beyond the face of a marquee or canopy to provide for an eight-inch wire raceway and three-inch channel letters, or a raceway not exceeding eight (8) inches in height may be installed either above or below a marquee or canopy. However, no raceway may be installed below a marquee or canopy unless the bottom part of such raceway is at least ten (10) feet above the sidewalk.

The provisions hereinabove shall not apply to any area in the city where the erection and maintenance of signs is specifically restricted.

(d) No signs of any type may be placed upon the face, above or under any marquee, fixed awning, backlit awning, or portico in the following described area: Nicollet Avenue from Washington Avenue to Grant Street.

(e) Attraction panels shall be permitted on theatre marquees or canopies in addition to the permitted name or nameplate, with the following limitations: ("Theatre" as used in this section only means a building in which entertainment is provided by the showing of pictures on a screen or by live production upon a stage and which building is designed with an auditorium with permanent seating.)

(1) Attraction panels shall list by means of lettering or other symbols only what is currently playing inside the theatre, or coming attractions which will be presented in the theatre.

(2) The overall outside height of a theatre attraction panel shall be a maximum of seven (7) feet six (6) inches.

(3) Theatre attraction panels shall have interior illumination only.

(4) There shall be a maximum of three (3) attraction panels on any one theatre marquee or canopy but not more than one attraction panel on any one face. If a theatre has more than one marquee or canopy on any one street frontage, the maximum of three (3) attraction panels will then pertain to the entire street frontage.

(5) Signs may be erected on any theatre marquee or canopy under the limitations listed above or may be erected above the theatre attraction panel with the same size and height limitations. Identification signs shall be limited the same as attraction panels as to number permitted.

(6) Traveling or chasing lights will be permitted on the face of any attraction panel within the size limitation for such panel or as soffit lighting under such theatre marquee or canopy.

(7) Attraction panels must be removed from the theatre marquee or canopy when the theatre permanently closes and may not be used for any other occupant, business or enterprise.

(f) Where permitted under this article, signs on fixed awnings or canopies may be illuminated (back lit), if the fixed awning or canopy is noncombustible throughout and if illumination is accomplished in accordance with applicable electrical codes.

109.440. Roof signs. (a) Every sign, placed upon the roof of a building, shall be either a metal, metal clad wood, open wire or open metal sign. Such a sign may have borders of wood provided that such borders do not exceed four (4) inches in width. No metal clad wood roof sign shall exceed one hundred (100) square feet in area.

Illuminated roof signs of metal construction, including metal panels, may have cutout displays or letters of plywood or masonite construction. If the cutout displays or letters are electrified they must be of metal or noncombustible construction as well as the roof sign proper. The cutout displays and letters shall in no instance extend to a point to exceed ten (10) feet above the top of the roof sign, five (5) feet beyond the sides or five (5) feet below the bottom of the roof sign. The cutout displays or letters shall in no instance project over public property. The area of any cutout display or letter shall not, in any instance, exceed the area of the metal panels forming the roof sign proper, nor shall the aggregate area of all the cutout displays and letters exceed an area which is twice the area of the metal panels forming the roof sign proper.

(b) Roof signs shall not project over public property.

(c) No sign shall be so placed on the roof of any building as to prevent free passage of persons from one part of said roof to another part thereof.

(d) Every sign, exceeding one hundred (100) square feet in area and placed on the roof of any building, where such roof is not a pitched roof, shall be so supported that there shall be a clear space of at least three (3) feet between the top of such roof and the bottom of such sign.

(e) Every roof sign shall have a substantial framework of structural steel, and all facings of any such sign shall be of metal; provided that wood strips not exceeding four (4) inches in width may be used as a backing for such facing. No permit shall be granted by the director of inspections for the installation of a roof sign on any building except where in the inspector's opinion proper strength and stability will be afforded in the structure of both building and sign and in the anchoring and bracing of such sign, or then until detailed plans affording all information necessary to permit the proper calculation of such strength and stability shall have first been submitted to and approved by said inspector.

109.450. Billboards. (a) No billboard shall exceed thirty-five (35) feet in height except as hereinafter provided for cutout displays and letters. This height shall be the overall height measured from the average level of the ground beneath such billboard, where such average ground level is not lower than the average level opposite such board of the nearest curb of the street toward which such billboard faces, or of the lowest street faced by such billboard where it faces toward more than one street. Where the average ground level under the billboard is lower than such adjacent average curb level such overall height shall be measured from such average curb level opposite such billboard. All billboards erected after May 13, 1955, over eighteen (18) feet in overall height, as above provided, or when located within the fire limits or fireproof district, shall be constructed entirely of metal or other noncombustible materials in all parts thereof except ornaments and trim.

Illuminated billboards of metal construction, including metal panels, may have cutout displays or letters of plywood or masonite construction. If the cutout displays or letters are electrified, then the cutout displays or letters must be of metal or noncombustible construction as well as the billboard proper. The cutout displays and letters shall in no instance extend to a point to exceed ten (10) feet above the top of the billboard, five (5) feet beyond the sides or five (5) feet below the bottom of the billboard. The area of any cutout display or letter shall not, in any instance, exceed the area of the metal panels forming the billboard proper, nor shall the aggregate area of all the cutout displays and letters exceed an area which is twice the area of the metal panels forming the billboard proper.

(b) Billboards erected after May 13, 1955, shall not be placed so as to be within twenty-five (25) feet of any corner formed by the intersection of street property lines or of a street property line and a right-of-way of a railway intersecting such a street. The twenty-five (25) feet referred to above shall be in the form of a triangle with two (2) sides formed by the property lines and the third side formed by a straight line connecting the twenty-five-foot points on the other two (2) sides.

In cases where billboards are supported by steel supports which do not exceed twelve (12) inches in any lateral dimension and where the steel supports are not closer than six (6) feet center to center of supports and when the lowest part of the billboard is eight (8) feet above the sidewalk level, such billboard may be placed anywhere within the lot lines.

Billboards shall not be erected, remodeled, repaired or maintained so as to block or obstruct any fire escape or any window, door or opening used as a means of egress or for fire-fighting purposes. Billboards shall not, in any manner, be attached to or supported by any fire escape or be placed so as to interfere or block any opening necessary for required ventilation.

Billboards may be erected to butt against the wall of any building not used for dwelling purposes if a minimum clear opening of four (4) feet is provided below such billboard. Billboards may be erected against any wall of any building of masonry construction unless such building is used for dwelling purposes. No portion of

a billboard, including supports, when erected on the same lot with a dwelling, shall encroach upon the minimum yard spaces required by the city zoning code for such dwelling. No portion of any billboard shall be erected after May 13, 1955, within five (5) feet of any wall of any building of frame construction unless such billboard is constructed entirely of metal or other noncombustible material.

(c) No portion of any billboard upon which any swing or pendulum-type advertisement is attached shall project over public property.

(d) Billboards which are erected principally parallel to the street property line may extend over the public property a maximum of fifteen (15) inches when the lowest portion of the billboard is eight (8) feet above the level of the sidewalk.

Such billboard shall be of all metal or noncombustible construction and the display surface or panels shall not exceed six (6) feet in height.

(e) Every person to whom a permit for the erection of a billboard is granted by the director of inspections shall paint or stamp his or her name on the structural framework of such billboard, together with the number of the permit so issued.

(f) All steel used in the construction of, to support, anchor or brace any billboard shall be of a minimum thickness of one-fourth inch when such steel is exposed to the weather.

(g) Every person erecting any billboard shall forthwith take away and remove from the lot on which it is erected any and all debris, such as waste bills, posters or other rubbish of any nature.

(h) Every person to whom a permit is issued for the erection of a billboard shall, during such time as such billboard is maintained, keep it in good repair and in safe and stable condition.

(i) Whenever any billboard is found to be in an unsafe condition by the director of inspections, the director shall notify the owner or the person maintaining such billboard to either remove or repair the same.

No person shall erect, build, set up, keep or maintain any billboard or portable sign upon or in any street.

(j) When any portion of a billboard projects over public property all of the supports for such billboard shall be of structural metal and such billboards shall meet all the construction requirements of this chapter for projecting signs. The erection, reconstruction, alteration, repair or removal of such a billboard shall be performed by a licensed sign hanger or a licensed billboard erector.

(k) Wherever a billboard is removed, all columns, anchors and other appurtenances thereto shall be removed to grade level.

(l) No billboard erected before May 13, 1955, shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this chapter.

109.460. Backlit awning signs. (a) All frames are to be manufactured from tubular or structurally shaped steel or aluminum with finishes or coatings as required to ensure against corrosion.

(b) Vinyl fabric coverings are to be fourteen (14) ounces per yard minimum weight with certification as to tensile strength and flame resistance to meet industry, building, and fire code standards.

(c) Fastenings and/or structural attachments to buildings must be only to structural members and of sufficient size and strength to meet Uniform Building Code Standards.

(d) All electrical components and/or lighting equipment is to be labeled and rated for protected outdoor use.

(e) Ceilings are optional and may consist of "egg crate," mesh fabric or solid plastic material. Removable panels or sections must be provided to allow access for service and cleaning.

(f) Backlit awning signs may be attached to buildings or structures in accordance with the height and length requirements of the zoning code and the projection requirements of Chapter 95, entitled Projections and encroachments, specifically 95.135, Backlit awning signs.

109.470. City financing of billboard advertising prohibited. (a) Prohibition. The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.

All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking.

(b) Exemption -- In kind donations. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.

ARTICLE II. REGULATION IN LOOP AREA

109.480. Where article applicable.—This article shall control all signs in the area bounded by the following described line: Beginning at Third Avenue South and Tenth Street, thence northwesterly along Tenth Street to LaSalle, thence northeasterly along LaSalle Avenue to Eighth Street, thence northwesterly along Eighth Street to the alley parallel to and one hundred fifty (150) feet more or less southeasterly of Hennepin Avenue, thence northeasterly along said alley to Sixth Street, thence northwesterly along Sixth Street to Hennepin Avenue to Fourth Street, thence southeasterly along Fourth Street to Third Avenue South, thence southwesterly along Third Avenue South to the point of beginning.

109.490. “Lot” defined. As used herein, the term “lot” shall mean a single tract of land consisting of one or more platted lots, or lots of record, or parts of such lots, and used by the owner or occupant as a single place of business.

109.500. Nonflashing signs. Nonflashing business signs are permitted subject to the following:

(a) The gross area of all business signs on a lot shall not exceed the following:

One story building—Four (4) times the lineal feet of street frontage of said lot.

Two (2) story building—Six (6) times the lineal feet of street frontage of said lot.

Three (3) story building—Eight (8) times the lineal feet of street frontage of said lot.

Four (4) story building—Ten (10) times the lineal feet of street frontage of said lot.

Five (5) or more story building—Twelve (12) times the lineal feet of street frontage of said lot.

(b) Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure such as “men’s clothing,” “drugs,” “jeweler,” and the like, but permitting company slogans not in conflict with the foregoing, and the year the business was established and the street number thereof.

(c) Signs except roof signs (see below) shall be flat against the wall with a projection of not over fifteen (15) inches.

However, a V-shaped sign with two (2) equal facings may project twenty (20) inches from point of attachment at the middle of the “V,” provided that the total length of the sign along the face of the wall shall not be less than five (5) feet nor more than six (6) feet.

(d) Roof signs: Signs located on the roof of a building shall:

(1) Not project beyond the face of any wall of said building;

(2) Be mounted so as to be at least six (6) feet above the surface of said roof at the point of mounting;

(3) Have a total height not to exceed thirty-five (35) feet measured from the surface of said roof at the point of mounting or highest point of the parapet wall. Signs higher than thirty-five (35) feet in height shall be subject to application for conditional use permit.

(e) Special signs: The director of inspections may issue a permit for a temporary sign which announces a special event related to the business conducted on the premises provided said sign is removed within thirty (30) days of time of installation. Only six (6) such permits per location for a total not to exceed one hundred (100) days may be issued in any calendar year.

In addition, the director of inspections may issue a permit for a temporary sign extending greetings to the public during a religious or public holiday period, and greetings to a group or association during the time of a convention or community event. Decorations incidental to a “greeting sign” shall not be considered part of the sign area.

Provided, further, that for such temporary signs the city council, for good cause shown, may permit such signs to project more than fifteen (15) inches from the face of the building.

In addition, the director of inspections may issue a permit for a temporary sign supporting an authorized communitywide charitable drive.

Said signs shall be removed within sixty (60) days of the time of installation.

For purposes of control of gross area of signs, these special signs shall be limited in area to the following:

One story building—Four (4) times the lineal feet of street frontage of said lot.

Two (2) story building—Six (6) times the lineal feet of street frontage of said lot.

Three (3) story building—Eight (8) times the lineal feet of street frontage of said lot.

Four (4) story building—Ten (10) times the lineal feet of street frontage of said lot.

Five (5) story building—Twelve (12) times the lineal feet of street frontage of said lot.

(f) Project signs. The director of inspections may issue an annual permit for a temporary sign describing a construction or improvement project including the names of the contractors, architects, engineers, owners,

etc. Such sign may be in place only during the period that said project is under construction and while valid building permits are in force.

109.510. Advertising signs. Advertising signs are permitted in the above-described area subject to the following conditions:

(a) Said sign shall be flat on a wall of a building which wall shall be located on the boundary property line (if said wall has no openings within ten (10) feet of extremities of perimeter of sign or supporting members; said sign may be independently supported from ground if located within fifteen (15) inches of said building wall) or shall be separated from the district boundary only by undeveloped property and shall in either case be facing an area not included in the above-described district. On undeveloped property located on the boundary of the district, one freestanding or mounted sign per unit as described in (b) below and located within such unit and facing at from seventy-five (75) degrees to ninety (90) degrees to the boundary of the district and not facing the district may be located in the one hundred (100) feet of any private property closest to the district boundary.

(b) Number and length limitations: Only one sign having an area of not more than eight hundred twenty-five (825) square feet shall be permitted for the first one hundred (100) feet of lot frontage and one additional such sign for each additional one hundred (100) feet of lot frontage.

(c) Projection: All such signs shall be flat against the wall with a projection of not more than fifteen (15) inches from the face of the wall, provided further that reflector type lighting devices which direct light on the face of said sign may project seven (7) feet from the face of the wall.

(d) Height: No sign shall project higher than fifty (50) feet above curb level. For signs over fifty (50) feet above grade, a conditional use permit may be granted by the city council.

(e) For purposes of this article, "undeveloped property" shall mean any property which is unimproved above ground level except for paving, shrubbery, trees and similar plantings and except for one single story accessory building having a total floor area not exceeding three hundred (300) square feet.

109.520. Public service signs. The city council may issue a conditional use permit for a sign, flashing or nonflashing, giving public service information such as weather, time, temperature, stock averages and the like.

109.530. Special provisions. (a) Projection:

(1) In the above-described area where limitations are imposed by this article on the projections of signs from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein on any marquees or canopies, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.

(2) Provided, further, that the letters of an identification canopy or marquee sign may not exceed sixteen (16) inches in height, except that the uppercase or capital letters and the upward or downward extensions of any lowercase letters in a script sign may be not exceed thirty-six (36) inches in height; and in a block letter sign, such letters may not exceed sixteen (16) inches in height except in a trade name or logotype the larger letters may not exceed thirty-six (36) inches in height. However, in no case can the total distance from the bottom of the lowest letter to the top of the highest letter exceed forty-two (42) inches. The city council may issue a conditional use permit for a marquee sign having more than one line of lettering provided that the total height of the portion of the sign containing more than one line of lettering shall not exceed sixteen (16) inches in height.

(3) Provided, further, that no letters shall extend below the canopy ceiling unless the bottom of the letter is at least twelve (12) feet above the sidewalk and that there be no more than three (3) such signs on any one marquee or canopy, or more than one sign on any one canopy face.

(4) Provided, further, that there may be an extension of a maximum of eleven (11) inches beyond the face of a marquee or canopy to provide for an eight-inch wire raceway and three-inch channel letters, or that a raceway not to exceed eight (8) inches in height may be installed either above or below marquee or canopy.

(5) Provided, further, that where otherwise permitted under the terms of this article, all marquee or canopy signs may be illuminated in accordance with the building code.

(6) Further, no other sign shall extend beyond the limits of said marquee or canopy or be supported by said marquee or canopy.

(b) Signs on awnings shall be exempt from the limitations imposed by this article on the projection of signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be painted or printed on the surface thereof, and shall be nonilluminated and shall indicate only the name and/or address of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of said awning. Vertical surface of portion of awning parallel with wall to which it is affixed shall not exceed twelve (12) inches in vertical height. End enclosures for awnings shall not project below limit noted above.

(c) A sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line, shall not have red, green or amber illumination.

(d) All signs shall be mounted in one of the following manners:

(1) Flat against a building or wall.

(2) Back to back in pairs so that back of sign will be screened from public view.

(3) In clusters in an arrangement which will screen the back of signs from public view.

(4) All backs of signs or structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

(e) Signs which are nonconforming to the provisions of this article may be maintained and repainted, but the replacement of the sign face with a new sign face (excluding insertable panels for central repainting of temporary display messages) shall be construed as being a structural alteration and contrary to provisions of this article.

109.540. Applicability of other ordinances. This article shall not be construed as repealing any other ordinance of the city relating to the installation and maintenance of signs and all such ordinances shall be construed as complementing rather than inconsistent, and where any other ordinance imposes more restrictive regulations than are contained herein the more restrictive regulations shall apply.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-030 amending Title 5 of the Minneapolis Code of Ordinances by adding a new Chapter 109, summarized as follows, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

a. 109.10 *Sign hangers, billboard erectors to be licensed*: Bill posting and sign painting licenses will be eliminated to be combined with the Sign Hanger license. The Sign Hanger license and Billboard Erector license will be administrated by the Department of Regulatory Services, instead of being approved by the City Council. Both license types will require the contractor to be bonded and insured.

b. 109.20 *Permits required* - Only a licensed sign hanger can apply for a sign permit. All signs require a permit except for the permit exceptions listed in Section 109.30 and exempt signs listed in Section 543.40. A permit application shall be filed on a form approved by the director of inspections.

c. 109.30 *Permit exceptions* - No change; Section was renumbered.

d. 109.40 *Posting and "snipe" advertising, etc* - No change; Section was renumbered.

e. 109.50 *Construction of signs on buildings* - No change; Section was renumbered.

f. 109.60 *Signs obstructing egress, ventilation* - No change; Section was renumbered.

g. 109.70 *Sign maintenance and removal* - Updated to compliment Chapter 543, Article VI, Design and Maintenance.

h. 109.80 *Abandoned signs* - No change; Section was renumbered.

i. 109.90 *Height over public property* - Addresses all signs extending into the public right-of-way.

j. 109.100 *Electrical requirements* - Requires that all illuminated signs obtain an electrical permit in addition to a sign permit.

k. 109.110 *Removal of unsafe signs* - No change; Section was renumbered.

l. 109.120 *Proximity to electrical conductors* - No change; Section was renumbered.

m. 109.130 *Widening of streets* - No change; Section was renumbered.

n. 109.140 *Inspection, correction of signs* - Restated so that inspectors shall inspect all new and existing signs as often as may be practicable.

o. 109.150 *Removal of signs* - No change; Section was renumbered.

p. 109.160 *City financing of billboard advertising prohibited* - No change; Section was renumbered.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-030
By Schiff and Niziolek
Intro & 1st Reading: 12/23/04 & 4/1/05
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to Building Code: Signs and Billboards.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 109 to read as follows:

109.10. Sign hangers, billboard erectors to be licensed. No person shall install, reconstruct, alter, repair or remove any sign upon the exterior walls or upon the roof of any building, or erect, reconstruct, alter or repair any billboard within the city without first having secured a license from the director of regulatory services authorizing him or her to do so. Such licenses shall be divided into two (2) kinds, sign hanger's license and billboard erector's license. Billboard erectors' licenses shall include erecting, reconstructing, altering or repairing billboards as defined in section 530.160 only.

109.20. Permits required. Except as provided in section 109.30 and 543.40, no person shall paint or install any sign in any manner upon, or attached to, or supported by any building, on the exterior thereof or erect or construct any billboard without first obtaining a permit from the director of inspections. An application for a sign permit shall be filed on a form approved by the director of inspections along with all supporting documentation including the permit fee.

109.30. Permit exceptions. No sign permit shall be required for the installation of the following signs. The sign area of exempt signs shall still count towards the overall signage allocation.

(a) Any sign the area of which, computed by multiplying its greatest width by its greatest length, is less than three (3) square feet and which merely announces the name of the proprietor or the nature of the business conducted at that location.

(b) Signs placed on the inside of any building, including window signs.

(c) Replacement of the removable display board or panel or other removable display surface of a sign or of a billboard having a stationary framework or structure so designed that a display board or panel or other display surface may be inserted therein or attached thereto or removed therefrom whenever desired without unfastening or removing said stationary framework or structure from its supports.

(d) Approved signs loosened from their supports and taken down, painted and replaced without any change having been made in their size or form, or in the ownership thereof.

(e) Repainting any legal, existing projecting sign, flat wall sign, roof sign, ground sign, billboard, or when there is no change in copy or size for a sign painted directly on the wall of a building for which previous permit had been issued.

109.40. Posting and "snipe" advertising, etc. No person, except a public officer or a government employee in the performance of a public duty, shall, maintain, place, erect, paint, paste, print, nail, tack or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising or notice of any kind, or cause the same to be done, on any curb, street, walk or public thoroughfare surface, fence, board, barrel, box case, railing, pole, post, tree, barricade, material bridge, bridge fender, dock, building or structure of any kind, within the city except as may be permitted by this chapter or other provisions of this Code.

109.50. Construction of signs on buildings. (a) All signs attached to or placed on any building shall be adequately supported and secured to such building by iron or metal anchors, bolts, supports, chains, stranded cables, steel rods or braces, in a manner subject to the approval of the director of inspections. No staples shall be used for securing any projecting sign to any building. All projecting and roof signs shall be constructed and braced to withstand a horizontal wind pressure of at least thirty (30) pounds for every square foot of surface exposed in any such sign.

(b) A building or part of a building to which a sign is to be attached, and the foundation of such building, shall be of sufficient strength to safely resist the resultant of the dead load and the wind load of the sign, in addition to the dead load, the live load and the wind load the building or part thereof is otherwise designed to carry.

109.60. Signs obstructing egress, ventilation. No sign of any kind shall be erected, constructed or maintained on any building in such a manner as to obstruct any fire escape, or any window or door or opening used as a means of egress or for fire-fighting purposes or so as to prevent free passage from one part of a roof to any other part thereof, nor shall any sign be attached, in any form, shape or manner, to a fire escape, or be so placed as to interfere with any opening required for legal ventilation. Transom windows may be covered entirely or in part by a completely incombustible sign built of metal panels, with all backing and supports of metal, when the glass and framework of the transom windows are left in place. Windows, except transom windows referred to above, may be covered with a sign provided the opening is properly closed up as per building code requirement. Stationary shown windows in a building may have cutout letters of incombustible material covering the upper one-third of such show window providing such letters are a minimum of eight (8) feet above the sidewalk.

109.70. Sign maintenance and removal. The director of inspections may order the removal of any sign that is not maintained or painted, or the supports, guys, braces and anchors of which are not so maintained, and it shall be unlawful for the owner or person having charge of such sign not to have the same repaired or removed after receiving notice from the director of inspections to do so.

109.80. Abandoned signs. Any sign which advertises a commodity, service or entertainment no longer in existence and any sign which directs attention to a business, profession, commodity, service or entertainment no longer in existence at the premises on which such sign is located, shall be deemed abandoned and shall be removed by the owner of the premises on which such sign is located within thirty (30) days of notice so to do from the director of inspections or shall have shown reasonable cause for failure so to do. The removal required by this section shall include all supporting brackets, frames or other structural elements of the abandoned sign. The obtaining of an annual sign maintenance permit shall in no way be construed to modify, alter or extinguish the enforcement of this section.

109.90. Height over public property. (a) Signs extending over public right-of-way may be hung so that the lowest point thereof shall be not less than eight (8) feet above ground elevation except flat wall signs not to extend six (6) inches shall have no minimum clearance.

(b) Signs projecting over public alleys, which shall not be hung less than fifteen (15) feet above the level of any such public alley.

109.100. Electrical requirements. All electrical signs require an electrical permit issued by the department of inspections. Every electrical sign shall be wired and installed to meet the requirements of the electrical code of the city.

109.110. Removal of unsafe signs. Every sign heretofore installed which is deemed unsafe by the department shall be either removed immediately on the order of the director of inspections or shall be put in a safe condition.

109.120. Proximity to electrical conductors. (a) The minimum clearance of any sign from unprotected electrical conductors (whether on poles or otherwise) shall be not less than thirty-six (36) inches for conductors carrying not over six hundred (600) volts, and forty-eight (48) inches for conductors carrying more than six hundred (600) volts.

(b) In all cases where a sign is proposed to be hung adjacent to an electrical conductor carrying a voltage higher than six hundred (600) volts the sign shall not be erected until the conductors shall have been examined and approved by an electrical inspector of the department of inspections.

109.130. Widening of streets. In case the roadway of any street is hereafter widened, any existing projecting sign which then projects to within less than eighteen (18) inches of the newly created outer curbline of said street shall be at once removed or brought into conformity with the requirements of this Code for signs hereafter erected.

109.140. Inspection, correction of signs. The director of inspections shall inspect all new and existing signs on or attached to buildings as often as may be practicable. Where any such signs or their fastenings, anchorages, supports or bracing are found to be in an unsafe, insecure or defective condition or not in compliance with any ordinance provisions applicable thereto, the inspector shall order and compel the removal of any such sign or the elimination of such unsafe, insecure or defective condition or material, or require such

changes as may be necessary to bring such sign and its fastenings, supports and bracing into conformity with ordinance requirements, as the case may require. The owner or person in charge or control of such sign shall, when so ordered by the director of inspections as above provided, forthwith remove such sign, eliminate such unsafe, insecure or defective condition or material or so change such sign and its fastenings, supports and bracing as to bring the same into conformity with ordinance requirements, as so ordered.

109.150. Removal of signs. Whenever a sign of any type is removed, either intentionally, accidentally or by an act of God, all cables, fastenings, anchors, braces, guy wires, etc., must be removed completely.

109.160. City financing of billboard advertising prohibited. (a) Prohibition. The city, any city employee working within the scope of the employee's employment, and any agency or individual acting on behalf of the city shall not pay for or in any way financially support billboard advertising, taking place within the city limits of the City of Minneapolis.

All city contracts shall contain a provision prohibiting the use of city or city derived funds to pay for billboard advertising as a part of a city project or undertaking.

(b) Exemption - In kind donations. Billboard space donated to the City of Minneapolis shall be exempt from this section. Production costs associated with in-kind donations shall not be prohibited.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, eliminating the annual sign registration fee requirement, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-031 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to *Building Code: Permit Fees*, amending Sections 91.370 and 91.380 and repealing Section 91.390 to eliminate the annual sign registration fee requirement, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance

ORDINANCE 2005-Or-031
By Schiff and Niziolek
Intro & 1st Reading: 12/23/04 & 4/1/05
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 91.370 of the above-entitled ordinance be amended to read as follows:

91.370. Area of signs. The area of signs for permit purposes shall be ~~determined by multiplying the greatest length by the greatest height. However, the length of a projecting sign shall be its maximum projection measured along the angle of projection from the wall of the building on which it is erected~~ as stated in section 543.80.

Section 2. That Section 91.380 of the above-entitled ordinance be amended to read as follows:

91.380. Sign fees established. The permit fee for off-premises advertising billboards shall be as established in the director's fee schedule pursuant to section 91.70. For all other signs, the permit fee for a sign shall be as established in the director's fee schedule and shall require a fee for the first one hundred (100) square feet of area, plus a fee for each additional fifty (50) square feet of area, or fraction thereof. An additional fee shall be specified in the director's fee schedule for projecting sign permits. The fee for recovering the framework of awnings and canopies shall be as set forth in section 91.90 pertaining to other structures.

Section 3. That Section 91.390 of the above-entitled ordinance be and is hereby repealed.

91.390. Annual registration. Annual registration fees as set forth herein shall be required for billboards, ground signs, roof signs, and also projecting signs which project more than fifteen (15) inches over public property, except such minor signs for which a permit is not required by section 109.30. In addition, all advertising signs which are visible to, and which in the opinion of the director of inspections are primarily intended to advertise or attract attention of operators and occupants of motor vehicles on state and federal highways, shall be required to pay the annual fees as set out herein. Non-advertising signs which are a part of a marquee, canopy or other architectural appendage projecting over public property for which an encroachment bond and insurance is required by the provisions of Chapter 95 of this Code are exempt from annual registration fees. The annual registration fee per face for billboards shall be as established in the director's fee schedule pursuant to section 91.70, and a separate per face fee shall be specified for those billboards having highway visibility. For all other signs, an annual registration fee shall be established in the director's fee schedule for signs not exceeding three hundred (300) square feet in area and a separate annual registration fee for signs in excess of three hundred (300) square feet shall be specified. No annual registration fee shall be required for temporary signs. The total annual registration fee for signs owned by one (1) person, which are located at any one (1) street, mailing, building or business address shall not exceed a maximum fee as established in the director's fee schedule.

An "advertising sign" for the purpose of this section shall be a sign that directs attention to a business commodity, service or entertainment, not related to the premises where such sign is located or to which it is affixed.

Failure to pay the fees set forth in this section on or before the due date shall result in a penalty in the amount equal to the regular fees herein provided.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, eliminating billposting and sign painting licenses and allowing sign hanger and billboard erector licenses to be administered by the Department of Regulatory Services instead of being approved by the City Council, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-032 amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, amending Section 277.2480 and repealing Sections 277.2630 and 277.2640 to eliminate the billposting and sign painting licenses and allow sign hanger and billboard erector licenses to be administered by the Department of Regulatory Services instead of being approved by the City Council, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance

ORDINANCE 2005-Or-032
By Niziolek
Intro & 1st Reading: 4/1/05
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 277.2480 of the above-entitled ordinance be amended to read as follows:

277.2480. Application for license. Every person desiring a sign hanger's license or a billboard erector's license, as required by section 409.20 109.10, shall make application therefor to the city council director of regulatory services.

Section 2. That Section 277.2630 of the above-entitled ordinance be and is hereby repealed.

277.2630. Definitions. "Billposting" and "sign painting," within the meaning of this article, shall mean the posting by tacking, pasting or painting upon public or private property of any advertising matter, bills, posters, pictures or any other matter or device whatever which advertises the business or products of any person, whether that of a merchant, manufacturer, publisher or person engaged in any business, commercial, industrial or other pursuits, except those for military or governmental purposes, signs advertising for sale or rent the premises upon which they are situated, or legal notices by public officers or attorneys in the manner and in the places prescribed by law.

Section 3. That Section 277.2640 of the above-entitled ordinance be and is hereby repealed.

277.2640. License required. No person shall engage in the business or occupation of billposting or sign painting in the city, without first having obtained a license therefor. No person shall post any bills or paint any signs anywhere upon any public or private property, nor engage in the business of billposting or sign painting, unless duly licensed as herein provided, or if an employee of a licensee, unless authorized to do so by a licensee and has and carries the identification card hereinafter provided.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, to whom was referred the following ordinances amending the Minneapolis Code of Ordinances with respect to vehicle immobilization services in the City of Minneapolis, to amend the signage requirements in parking lots; and to add license requirements, amend the rules of operation, and prohibit remuneration, now recommends that said ordinances be given their second reading for amendment and passage:

a. Title 13, Chapter 319 relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*,

b. Title 13, Chapter 320 relating to *Licenses and Business Regulations: Vehicle Immobilization Service*.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-033 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Section 319.230 to separate the signage requirements between towing and vehicle immobilization; and to require that the signage include the additional phrase "Violators Booted Immediately" and include a logo chosen by the Director of Licenses & Consumer Services to represent vehicle immobilization, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance

ORDINANCE 2005-Or-033
By Ostrow and Zerby
Intro & 1st Reading: 4/15/05
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 319.230 of the above entitled ordinance be amended to read as follows:

319.230. Signs. (a) Every Class A licensee shall maintain information signs on the parking lot. No information signs are required for Class B lots except that when signs are used they shall conform to the

requirements of this section when applicable. Said signs shall show the name and telephone number of the licensee or attendant, the license certificate number, the street address of the parking lot, and the rates charged for parking or storing automobiles on said premises. Such signs shall state the minimum rate, the maximum rate for twelve (12) hours, and the maximum rate for twenty-four (24) hours, and if there is no maximum rate, the sign shall so indicate. Such signs shall also state the rate for special events. No change in the posted rates shall be effective unless written notice of such change has been filed with the department of licenses and consumer services not less than seven (7) calendar days prior to the effective time of the change. Signs shall be either three (3) feet by five (5) feet horizontal, three (3) feet by five (5) feet vertical, or five (5) feet by ten (10) feet horizontal, permanently mounted with a minimum height to the bottom of sign of eight (8) feet and a maximum height to top of sign of fifteen (15) feet, and shall conform to all city codes regarding erection and construction. No temporary signs or overlays shall be permitted unless the price posted on such signs or overlays conforms with the price posted on the permanent signs on the lot. All signs shall be plainly visible to the public, and shall be printed in the "Standard Alphabet of Highway Signs" (series E); series C or D may be permitted upon approval to accommodate necessary long verbiage. Layout of sign graphics shall be according to the approved prototypes as approved by the city council on file with the department of inspections which establishes the standards pertaining to size of sign, color, size of lettering, placement of information and identification symbols. Signs may include a business logo. In no case shall any letters or numerals be less than three (3) inches in height. The green color used shall be "outdoor advertising association standard" No. 144-L medium green.

(b) Signs on one-way streets need only display required graphics on the side facing traffic flow. In such cases the opposite face shall be painted white.

(c) Free parking lots may place no more than one freestanding information sign at each entrance. The sign shall not be required to adhere to the above graphic requirements, but shall be limited to a maximum size of fifteen (15) square feet and in no case shall the longest dimension exceed five (5) feet.

(d) Except as permitted in this section, it shall be unlawful to attach signs to or display graphics of any type on licensed attendant buildings except to attach or incorporate into the building design a sign which specifies the hours of attendant duty, the location of keys after attendant hours, the name and phone number of licensee, and any other information essential to the normal operation of the lot.

(e) All parking lots that engage in towing ~~or immobilization~~ of unauthorized vehicles shall post such practice on a sign at each lot entrance. In addition, the sign shall include the lot owner's name, license or permit number, name and telephone number of Class A tower ~~or immobilization service~~ used, and the current fee charged for towing ~~or immobilization~~. No tower ~~or immobilization service~~ shall charge more than the amount indicated on the sign posted at the parking lot at the time of towing of the vehicle. Letters on such signs shall be at least three (3) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the director of the department of licenses and consumer services or the director's duly authorized representative.

(f) All parking lots that engage in immobilization of unauthorized vehicles shall post such practice on a sign at each lot entrance. In addition, the sign shall include the lot owner's name, license or permit number, name and telephone number of immobilization service used, and the current fee charged for immobilization. No immobilization service shall charge more than the amount indicated on the sign posted at the parking lot at the time of immobilization of the vehicle. The sign must include the phrase "Violators Booted Immediately" and include a logo chosen by the Director of Licenses and Consumer Services to represent the fact that the parking lot uses a vehicle immobilization service. Letters on such signs shall be at least three (3) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the director of the department of licenses and consumer services or the director's duly authorized representative. Compliance with this section shall occur within 60 days of the effective date of the amendment.

(g) The information required to be present on the signage in paragraphs (e) and (f) may be combined on one sign.

(fh) All Class A parking lots located within the Downtown B4 zoning district shall post at all points of entry a Minneapolis Police Department no trespassing sign of dimensions as approved by the Minneapolis Police Department. Additionally, at least one no trespassing sign shall be visible from any point in the lot.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Ordinance 2005-Or-034 amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Vehicle Immobilization Service*, summarized as follows, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. Adds a new Section 320.45, *Requirements of licensee*, as follows:
- requires licensees to issue their employees a uniform and that the employee wear the uniform so as to clearly identify the employee providing vehicle immobilization service;
 - requires licensees to issue their employees business cards containing their supervisor's name, a business address, and a telephone number;
 - requires licensees to provide training in conflict management for its employees. The licensee would be responsible for providing training and submitting documentation as to the type of training to the Director of Licenses & Consumer Services.
- b. Amends Section 320.50, *Rules of operation*, as follows:
- clarifying the requirements as to who can authorize the vehicle immobilization;
 - setting forth requirements as to the form used to authorize vehicle immobilization;
 - requires licensees to have a process for handling complaints arising from their immobilization of vehicles. The licensee would be required to include information on the back of the form and must be given to those individuals who have been immobilized;
 - prohibits a licensee from performing parking lot patrol activities, unless the licensee complies with Section 320.50(e)(2); and defines what constitutes parking lot patrol activities. Section 320.50(e)(2) would permit a licensee to engage in parking lot patrol activities and would permit a licensee to authorize vehicle immobilization services, provided that a licensee has a written agreement with the parking lot owner or licensee and has provided a copy of that agreement to the Director of Licenses & Consumer Services;
 - requires licensees to maintain a telephone line answered by a natural person whenever an employee is working and/or when a locking wheel boot is attached to a vehicle;
 - requires the licensee to respond to a request to remove a boot within 60 minutes. Failure to respond within 60 minutes would require that the boot be removed at no cost;
 - permits a police officer to request removal of the boot in order to prevent personal injury, damage to property, disorderly conduct or other criminal activity;
 - sets forth the regulations that must be complied with if a licensee or employee of a licensee is monitoring the parking lot for the purpose of determining which vehicles are parked illegal;
 - provides that a vehicle shall not be immobilized unless the licensee complies with Chapter 320; prohibits a licensee from paying or offering to pay the person authorizing the vehicle immobilization service and prohibits the person authorizing the service from receiving or soliciting any remuneration for providing that service.

The following is the complete text of the unpublished summarized ordinance

ORDINANCE 2005-Or-034
By Zerby
Intro & 1st Reading: 10/8/04
Ref to: PS&RS
2nd Reading: 4/29/05

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 320 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 320.45 to read as follows:

320.45. Requirements of licensee. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) All licensees shall issue a uniform to its employees providing vehicle immobilization service. The uniform must consist of, at a minimum, a jacket, a shirt or a vest. The uniform must clearly list the name of the company providing vehicle immobilization service. The uniform must clearly identify the employee providing vehicle immobilization service. The employee identification can consist of either the employee's first and last name or the employee's first name with a code that is specific to that employee. This identification can be included on the uniform itself, or on a nametag that would be worn with the uniform. This uniform must be worn while the employee is providing vehicle immobilization service.

(b) All licensees shall issue to its employees business cards that accurately reflect the employee's supervisor's name, business address and telephone number, as well as, the telephone number to be called to have the wheel locking device removed. A business card, complying with this section, must be provided to an individual upon request.

(c) The licensee shall provide training in conflict management for its employees that install vehicle immobilization devices or have contact with those individuals who have been immobilized and shall provide documentation as to the content of the training and documentation as to the completion of that training to the Director of Licenses and Consumer Services. The Director of Licenses and Consumer Services, or its designee, shall review that documentation and may require additional training. For current and existing licensees and employees of licensees, this requirement shall be met within 6 months of the date of passage of this ordinance. For new licensees, this requirement shall be met prior to the approval of the license by the City Council. For new employees, this requirement shall be met before the employee either installs a vehicle immobilization device or has contact with an individual who has been immobilized, without the supervision of an employee who has received this training, or within 3 months of the date of their hire whichever comes first.

Section 2. That Section 320.50 of the above-entitled ordinance be amended to read as follows:

320.50. Rules of operation. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) Prior to installing a locking wheel boot on any motor vehicle at the request of someone other than the vehicle's owner, the vehicle immobilization service licensee shall determine that the parking lot has entrance warning signs which are in compliance with Chapter 319.230(e) of this code, and that in the case of Class A commercial parking lots, have an ample supply of self service fee payment supplies such as envelopes, pencils, instruction signs, and other common equipment. In the event that the parking lot lacks any such items, vehicle immobilization shall be prohibited.

~~(b) Vehicle immobilization service licensees shall use a printed order form which includes the name, address and telephone number of the licensee's business, the name of the natural person authorizing the service, printed and signed in a legible manner. The order form shall also include the time the service was performed, the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. Said The person authorizing the vehicle immobilization and signing the above order form must be present when the locking wheel boot is attached to the vehicle and must be an owner of the property, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly licensed protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot licensee, or a vehicle immobilization service licensee or employee pursuant to section 320.50 (e)(2) of this code. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative during all common and reasonable business hours.~~

(c) Vehicle immobilization service licensees shall use a printed order form that includes the name, address and telephone number of the licensee's business. A completed order form must include the name of the natural person authorizing the service, set forth in paragraph (b). The name of the person authorizing the service, and the date and time that the service was provided, must be stamped on the form. The person authorizing service shall sign the completed order form. The order form shall also include the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of

the vehicle to be immobilized. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. All of the information on the order form must be legible. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the Director of Licenses and Consumer Services or their designated representative during all common and reasonable business hours.

(d) Vehicle immobilization service licensees shall have a process for handling complaints that arise from their immobilization of vehicles. On the back of the printed order form set forth in paragraph (c), a vehicle immobilization service licensee shall include information on how to file a complaint with the licensee. The back of the printed form must also include that a complainant may contact the City of Minneapolis' Department of Licenses and Consumer Services at (612) 673-2080 if a complaint is not resolved.

(e) Parking Lot Patrol Activities

(1) Except as provided in paragraph (e)(2), vehicle immobilization service licensees shall not perform parking lot patrol activities. Parking lot patrol activities shall be defined to include, but not limited to, determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners' permission. Vehicle immobilization service licensees shall not enter a parking lot for the purpose of immobilizing a vehicle unless requested by the natural person authorizing the service, set forth in paragraph (b). Vehicle immobilization service licensees shall not have any employee waiting in any parking lot for which they are providing immobilization services. Waiting shall be defined to include any time in which the employee is not actively involved in providing vehicle immobilization services.

(2) A vehicle immobilization service licensee may perform parking lot patrol activities and may authorize immobilization provided that the licensee obtains a written and signed agreement from the owner of the property, or the license holder of the parking lot license for the property. The written agreement must detail when the vehicle immobilization service licensee is permitted to be on the property and the extent of the monitoring that will be done by the immobilization licensee. A copy of the agreement must be filed with the Department of Licenses and Consumer Services. The Director of Licenses and Consumer Services may reject any agreement that does not comply with the provisions of this section. If an agreement is rejected, a licensee cannot perform parking lot patrol activities until an agreement is filed that complies with this section. Whenever any changes are made to the written agreement, a new copy of that agreement must be filed with the Department of Licenses and Consumer Services. A vehicle immobilization service licensee that is performing parking lot patrol activities must comply with paragraph (n) of this section.

(e)(f) The licensee shall maintain a chronological log or record of the vehicles that have been immobilized. The log shall indicate a description of the vehicle, location that the service was performed, time of service, and time of vehicle release. A copy of this log or record shall be delivered to the Director of Licenses and Consumer Services each month.

(d)(g) Immediately upon installing the locking wheel boot, a blaze orange warning decal at least forty-seven (47) square inches in size shall be prominently placed in the center of the drivers side window or on the front windshield directly in front of the vehicle steering wheel. The specific language on the warning sign shall be subject to approval by the Director of Licenses and Consumer Services and shall clearly and legibly inform the operator of the vehicle that a locking device has been installed on the front left wheel of the vehicle and that attempting to move the vehicle will cause serious damage to the vehicle. This decal shall display the telephone number and address of the licensee. Upon payment of the service fee, the licensee shall offer to remove the decal and shall have in possession the appropriate materials needed to remove all parts of the decal and residue.

(e)(h) Vehicle immobilization service licensees shall maintain a telephone line that is answered by a natural person whenever an employee, officer or agent of a licensee is working, and/or a locking wheel boot is attached to a vehicle. twenty-four (24) hour. The licensee is required to ensure that this telephone number is accurately printed on the warning decal attached to the vehicle. In addition, the licensee shall ensure that no inaccurate phone numbers are displayed on signs at the parking lot location where the vehicle immobilization occurred, on the business cards required by section 320.45 (b), or on any other medium that is viewable by the public. telephones and wheel locking device removal services, and shall respond to a request to remove a

wheel locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.

(i) Vehicle immobilization service licensees shall respond to a request to remove a wheel-locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel-locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.

~~(f)~~ Vehicle immobilization service licensees shall not perform parking lot patrol activities such as determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners permission.

~~(g)~~(j) Vehicle immobilization service licensees shall not install a wheel locking boot on any vehicle displaying tax exempt plates, any marked emergency vehicle, any United States military vehicle, or any vehicle displaying a handicap vehicle permit without a Minneapolis police officer being present and duly notified.

(k) To prevent personal injury, damage to property, disorderly conduct, or other criminal activity, vehicle immobilization service licensees shall comply with all police officers' requests to remove a wheel-locking device and shall remove the wheel-locking device at no cost.

~~(h)~~(l) In the event that a vehicle is not claimed within twenty-four (24) hours, the licensee shall notify the Minneapolis impound lot of the vehicle's description and location. If the vehicle was reported as stolen, the licensee, at the direction of a police officer, shall remove the vehicle immobilization device free of charge.

~~(i)~~(m) The vehicle immobilization service licensee may not attempt to collect service fees or parking lot fees after a vehicle has been impounded by a Class A motor vehicle service licensee.

(n) If a parking lot is being monitored by a vehicle immobilization service licensee or an employee or agent of the licensee, for the purpose of determining which vehicles are parked illegally, the licensee and the individual performing the monitoring must comply with this section.

(1) During those times when the vehicle immobilization service licensee or agent of the licensee is actively monitoring the parking lot, the vehicle immobilization service licensee must provide a general notification that the parking lot is being actively monitored. That general notification must consist of a sign at each entrance for the lot. The signs must be a minimum of 18 inches by 18 inches. The signs must inform the public that the lot is being actively patrolled. The language and placement of the signs shall be subject to approval by the director of the department of licenses and consumer services or the director's duly authorized representative.

(2) The vehicle service licensee shall not permit an individual unable to provide information as to the acceptable use of the parking lot to monitor the parking lot.

(3) The individual monitoring the parking lot must remain visible in the parking lot while the parking lot is being actively monitored. While the individual is monitoring the lot, the individual shall wear a uniform as required in section 320.45 (a).

(4) The individual monitoring the parking lot shall provide accurate information to any individual who asks as to the acceptable use of the parking lot, the name of the company providing the vehicle immobilization service and the address and telephone number of the office of the vehicle immobilization service company.

(5) If the individual monitoring the parking lot is able to determine that the driver of a vehicle has parked in a manner that would permit the vehicle to be immobilized, prior to that driver leaving the parking lot, and the individual monitoring the parking lot has a reasonable opportunity to warn that driver, that individual shall inform the driver that the vehicle must be moved or it will be immobilized.

(o) A vehicle shall not be immobilized if there is not compliance with this Chapter.

Section 3. That Chapter 320 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 320.90 to read as follows:

320.90. Remuneration prohibited. (a) It is unlawful for a licensee to pay or offer to pay any remuneration to a person for providing vehicle immobilization service pursuant to that person's authorization.

It is unlawful for any person authorizing vehicle immobilization service to receive or to solicit remuneration from a licensee for providing that service pursuant to that person's authorization.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the application of Restaurant Entertainment Group Inc, dba Refuge, 430 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (upgrade from On-Sale Liquor Class E with Sunday Sales) to expire October 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the application of Caboose Enterprises Inc, dba Joint/Cabooze, 913 Cedar Av S, for an On-Sale Liquor Class B with Sunday Sales License (regular expansion of premises and sidewalk cafe expansion) to expire January 1, 2006 and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the application of 422 Hennepin Inc, dba Brass Rail, 422 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (sidewalk cafe expansion) to expire January 1, 2006 and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the application of Cedar Point Inc, dba Palmers Bar, 500 Cedar Av S, for an On-Sale Liquor Class E with Sunday Sales License (regular expansion of premises to allow a deck on private property at the rear of the building) to expire July 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Zimmermann moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Lost. Yeas, 5; Nays, 5 as follows:

Yeas - Johnson Lee, Benson, Zimmermann, Schiff, Lilligren.

Nays - Niziolek, Lane, Samuels, Colvin Roy, Ostrow.

Absent - Goodman, Johnson, Zerby.

The report was adopted 4/29/05. Yeas, 6; Nays, 3 as follows:

Yeas - Niziolek, Lane, Samuels, Colvin Roy, Schiff, Ostrow.

Nays - Johnson Lee, Zimmermann, Lilligren.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the application of Seville Operations LLC, dba Seville Club, 15 Glenwood Av, for an On-Sale Liquor Class A with Sunday Sales License (sidewalk cafe expansion) to expire April 1, 2005 and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, to whom was referred back on September 24, 2004 a report relating to the application of La Bodega Tapas Bar, dba La Bodega Tapas Bar, 3005 Lyndale Av S, for an On-Sale Liquor Class C-1 with Sunday Sales License (regular expansion of premises) to expire April 1, 2005, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee, having under consideration the following three license applications submitted by BLB Inc, dba Bryant Lake Bowl, 810 W Lake St, now recommends that said licenses be sent forward without recommendation:

- a. On-Sale Wine Class A with Strong Beer License (sidewalk cafe expansion), to expire April 1, 2006.
- b. Sidewalk Cafe License (new business), to expire April 1, 2006.
- c. On-Sale Liquor Class A with Sunday Sales License (upgrade from On-Sale Wine with Strong Beer), to expire April 1, 2005, subject to the following conditions relating to Adult Entertainment:

1. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate a Class A On-Sale Liquor License.

2. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-234, granting Liquor, Wine and Beer Licenses, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-234

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire April 1, 2006

Mickys Liquor Store Inc, dba Mickys Liquor Store, 1100 Plymouth Av N;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006

Radisson Minneapolis Corporation, dba Radisson Plaza Minneapolis, 35 S 7th St;

RCI Entertainment (Minnesota) Inc, dba Rick's Cabaret, 300 S 3rd St;

University Inn Assoc a Limited Partnership, dba Radisson Hotel Metrodome, 615 Washington Av SE;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2006

Walker Art Center, dba Walker Art Center, 725 Vineland Pl;
Kelber Catering Inc, dba Kelber Catering Inc, 1301 2nd Av S;
Dixies Smokehouse Foods Inc, dba Dixies Calhoun, 2730 W Lake St;

On-Sale Liquor Class A with Sunday Sales, to expire April 8, 2005

Food and Drink Inc, dba Bar Fly, 711 Hennepin Av (temporary expansion of premises, April 8, 2005, 8:00 p.m. to 2:00 a.m.);

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2005

Promus Hotels Minneapolis Inc, dba Embassy Suites Hotel, 425 S 7th St;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2006

CSM Hospitality Inc, dba Courtyard by Marriott, 225 3rd Av S;
Haze 3 Corp, dba Grumpy's Bar & Grill, 1107 Washington Av S;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2006

Cajun Creole Creations of Mpls LLC, dba Copelands of New Orleans, 2 S 7th St (sidewalk cafe expansion);
Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway;
T K K Inc, dba Knight Cap, 1500 4th St NE;
Jax Cafe Inc, dba Jax Cafe, 1922 University Av NE;
Stardust Lanes Inc, dba Stardust Lanes, 2520 26th Av S;

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2005

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (expansion of premises);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2006

Smith & Hance Entertainment Inc, dba Nomad Pub, 501 Cedar Av S (regular expansion of premises);
Rudolph's Bar B Que Inc, dba Rudolphs Bar B Que, 1933 Lyndale Av S;
Raising the Bar LLC, dba Zeno Coffee & Dessert Bar, 2919 Hennepin Av;

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2006

Corbett Inc, dba O'Briens Decoy Pub & Smokehouse, 815 E Hennepin Av;
Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE;
B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Av;
Restaurant Properties Inc, dba Figlio's, 3001 Hennepin Av #301A;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2006

Jetset Inc, dba Jetset Bar, 115 1st St N;
Sawatdee Inc, dba Sawatdee Restaurant, 607 Washington Av S;
Manny's Steak House Inc, dba Manny's, 1300 Nicollet Mall;
Loring Grill LLC, dba Loring Grill, 1614 Harmon Pl;
Pizza Luce IV Inc, dba Pizza Luce, 2200 E Franklin Av;
B B & D Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S;
Gangapersaud Radika, dba Palm Court Restaurant & Bar, 2424 Central Av NE;
Nokomis Bowling Company, dba Nokomis Lanes, 4040 Bloomington Av;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005

Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av;

On-Sale Liquor Class E, to expire April 1, 2006

Bev's Inc, dba Bev's Wine Bar, 250 3rd Av N;

Temporary On-Sale Liquor

R.T. Rybak for Mayor, 5 W 15th St (with entertainment, March 30, 2005, 6:30 p.m. to 8:30 p.m. at 1901 Grand St NE);

Minnesota Film Arts, dba International Film Festival, 309 Oak St SE (April 8 - 11, 2005, Noon to 1:00 a.m. (Saturday and Sunday) and 5:00 p.m. to 1:00 a.m. (Friday and Monday);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2006

Minnesota S T A R Inc, dba Cedar Cultural Centre, 416 Cedar Av S;
Brave New Institute, dba Brave New Workshop, 2605 Hennepin Av;
The Jungle Theater, dba Jungle Theater, 2951 Lyndale Av S;

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2006

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage, 215 E Hennepin Av;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2006

Big Daddy Inc, dba Riverview Cafe, 3753 42nd Av S;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2006

Eagle Shores Hospitality Inc, dba Signature Cafe & Catering, 130 Warwick St SE;

Sapor Inc, dba Sapor, 428 Washington Av N;

B & W Specialty Coffee Company, dba Gigis Cafe, 824 W 36th St;

Natraj Enterprises LLC, dba Natraj India Kitchen, 1123 W Lake St;

K=MC2 LLC, dba Loring Park Coffee House, 1301 Harmon Pl;

Guayaquil Restaurant Inc, dba Guayaquil Restaurant, 1526 E Lake St;

Hop Lee Inc, dba Peking Garden Restaurant, 2324 University Av SE;

Sabor Latino Inc, dba Sabor Latino Restaurant, 2505 Central Av NE;

Seafood Palace Inc, dba Seafood Palace, 2523 Nicollet Av;

KPL Inc, dba Soba's, 2558 Lyndale Av S;

French Meadow Bakery Inc, dba French Meadow Bakery and Cafe, 2610 Lyndale Av S;

HJH Inc, dba Sawatdee Uptown, 2650 Hennepin Av;

Jamms Palace Inc, dba Taj of India, 2819 Hennepin Av;

Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St;

Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St;

Jakeeno's Inc, dba Jakeeno's Pizza and Pasta, 3555 Chicago Av;

Karim Inc, dba Adrian's Tavern, 4812 Chicago Av;

Temporary On-Sale Wine

Minnesota Film Arts, dba International Film Festival, 301 2nd St N (April 12 - 16, 2005 at 309 Oak St SE);

Off-Sale Beer, to expire April 1, 2006

RBF LLC of Wisconsin, dba Rainbow Foods, 1104 Lagoon Av (new proprietor);

RBF LLC of Wisconsin, dba Rainbow Foods, 1540 New Brighton Blvd (new proprietor);

RBF LLC of Wisconsin, dba Rainbow Foods, 2919 26th Av S (new proprietor);

Dawood Lalji Inc, dba Centre Village Shop, 700 5th Av S;

Tekle-Ab Samuel, dba Sam's Food Mart, 901 W 36th St;

Simona Inc, dba Joe's Market & Deli, 1828 Como Av SE;

Hammad and Carlson Food Inc, dba More Valu II, 2747 Bloomington Av;

On-Sale Beer Class E, to expire April 1, 2006

Yukon Club Inc, dba Yukon Club, 320 W Lake St;

Minh Le Corp, dba Bona Restaurant, 815 Washington Av SE;

Lemanczik Enterprises Inc, dba T-Shoppe Bar, 4154 Fremont Av N;

John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S.

Adopted 4/29/05.

Declining to vote - Benson.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-235, granting applications for Business Licenses, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-235

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 29, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 270368):

Billboard Erector; Bill Posting, Sign Painting & Hanger; Bowling Alley; Dance Hall; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment (Short Term); Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Ice Producer - Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Meat Market; Drive-In Food; Restaurant; Food Shelf; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Municipal Market; Commercial Parking Lot Class A; Plumber; Pool Table; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Swimming Pool - Public; Tattooist/Body Piercer; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class A.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-236, granting applications for Gambling Licenses, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-236

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Church of St. Philip, dba Church of St. Philip, 2507 Bryant Av N (Raffle May 13, 2005);

Church of the Annunciation, dba Church of the Annunciation, 509 W 54th St (Raffle May 14, 2005);

Minneapolis University Rotary Service, dba Minneapolis University Rotary Service, 615 Washington Av SE (Raffle May 25, 2005 at Radisson Hotel Metrodome, 615 Washington Av SE);

Twin Cities Gay Men's Chorus, dba Twin Cities Gay Men's Chorus, 528 Hennepin Av (Raffle June 3, 2005 at The Depot, 225 3rd Av S);

Macphail Suzuki Association, dba Macphail Suzuki Association, 1128 LaSalle Av (Raffle May 21, 2005 at Burroughs Community School, 1601 W 50th St);

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Bingo, Raffle, Paddlewheel and Pulltabs June 5, 2005 at Sojourner Truth Academy);

American Refugee Committee, dba American Refugee Committee, 430 Oak Grove St (Raffle June 28, 2005 at Juut Salonspa, 201 Main St SE).

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute an amendment to the grant agreement with Pillsbury United Communities to accept an additional \$4,617 in federal funds to provide police overtime in the Central Weed and Seed Program Area during the 2005 grant period.

Further, passage of the accompanying amendment appropriating \$4,617 to the Police Department.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-237

By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$4,617 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$4,617.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Department's Fitness Agreement, now recommends that the proper City Officers be authorized to execute a four-year agreement with Northwest Athletic Club for fitness memberships during the term July 1, 2005 through December 31, 2009. Fitness facilities will be provided at the rate of \$32.22 for a single membership per month. Further, that the proper City Officers be authorized to extend the current contract with Northwest Athletic Club to June 30, 2005.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept up to \$55,120 and execute a grant agreement with Plymouth Christian Youth Center (PCYC) to support the salary costs of a Crime Prevention Specialist to provide services within the PCYC Alternative Schools and with neighborhood youth to focus on reducing crime and improving livability in the Jordan, Near North/Willard Hay and Hawthorne Neighborhoods. The Police Department will pay the fringe benefits for said position. Further, passage of the accompanying Resolution appropriating \$55,120 to the Police Department.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-238

By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-P400) by \$55,120 and increasing the Revenue Source (060-400-P400 - Source 3720) by \$55,120.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Auto Theft Bait Vehicle Program, now recommends that the proper City Officers be authorized to accept the donation of a 1992

Honda Accord from QRP Great Lakes Services, for an estimated value of \$5,000, and vehicle repair services from Lehman's Garage, valued at \$3,000.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports.

T&PW - Your Committee, having under consideration the University of Minnesota's preparations for a new football stadium, now recommends that the proper City officers submit comments from the City of Minneapolis regarding the University's Environmental Assessment Worksheet (EAW) and draft Scoping Decision Document (SDD) for the proposed stadium. (Petr. No. 270373)

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW - Your Committee, having under consideration the newly formed Metropolitan Emergency Services Board (MESB), which will continue to plan, implement, maintain, and operate regional and local improvements to the statewide shared, trunked radio and communication system, now recommends:

- a) That the proper City officers be authorized to enter into a Joint Powers Agreement with the MESB; and
- b) Approval of the appointment of Barret W.S. Lane as representative to the MESB, and Paul T. Ostrow as alternate, for a term from July 1, 2005 through December 31, 2005.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW - Your Committee, having under consideration the Minneapolis Animal Care and Control Facility, now recommends that the proper City officers be authorized to execute Change Order No. 5 to Contract No. C-19350, with Rochon Corporation, in the amount of \$51,752, for a revised contract total of \$3,613,910.40, to provide for final construction contingencies included as part of the original project budget.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW - Your Committee recommends passage of the accompanying Resolution designating the locations and streets to be improved in the Fremont Avenue North Street Renovation Projects, Special Improvement of Existing Street Nos. 2229 and 2230.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-239, designating the improvements to be made in the Fremont Av N Street Renovation Project, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-239

By Colvin Roy

**Fremont Avenue North Street Renovation Project
Special Improvement of Existing Street Nos 2229 and 2230**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill and overlay of

street surface with plant mix asphalt and selected curb and gutter and other paving-related improvements as needed:

Fremont Avenue North Street Renovation (2229): Fremont Avenue North from Plymouth Avenue to West Broadway.

Fremont Avenue North Street Renovation (2230): Fremont Avenue North from West Broadway to Lowry Avenue North.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW - Your Committee, having received a cost estimate of \$1,790,000 for street renovation improvements and a list of benefited properties for certain locations in the Fremont Av N Street Renovation Project, Special Improvement of Existing Street Nos. 2229 and 2230, as designated by Resolution 2005R-239, passed April 29, 2005, now recommends that the City Engineer be directed to prepare a proposed Street Renovation Special Improvement Assessment against the list of benefited properties by applying the 2005 Uniform Assessment Rates as per Resolution 2005R-017, passed January 14, 2005.

Your Committee further recommends that a public hearing be held on June 7, 2005 to consider approving the construction of the above-designated renovation locations, to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City, and to consider the abandonment and removal of areaways in conflict with the project.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW - Your Committee, having received and filed from the Project Excellence team an analysis of the City of Minneapolis Parking System and the Municipal Parking Fund, now recommends that the appropriate City staff be directed to evaluate recommendations, along with Project Excellence team members, and advise the Council on recommendations appropriate for implementation.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports.

T&PW & W&M/Budget - Your Committee, having under consideration the 2005 Alley Resurfacing Program, No. FS05#1, as set forth in Petn No. 270374, and having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

a) Ordering the City Engineer to proceed and do the work and adopting the special assessments in the amount of \$53,125.08; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$53,125.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-240, ordering the work to proceed and adopting the special assessments for the 2005 Alley Resurfacing Program, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-240
By Colvin Roy and Johnson

2005 Alley Resurfacing Program, Special Improvement
of Existing Alleys No FS05#1

Ordering the work to proceed and adopting the special assessments for the 2005 Alley Resurfacing Program.

Whereas, a public hearing was held on April 19, 2005, in accordance with Chapter 10, Section 6, of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-134, passed March 11, 2005 to consider the proposed special assessments as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-134, passed March 11, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$53,125.08 as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley resurfacing of more than \$150 may be paid, shall be fixed at five (5) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statement.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-241, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of alley improvements, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-241
By Colvin Roy and Johnson**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$53,125 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2005 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS05#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW & W&M/Budget - Your Committee, having under consideration the lease of office space in the Tri-Tech Building, 331 2nd Av S, for the City's Geographic Information Systems (GIS) Division and the Business Information Systems (BIS) Division, now recommends that the proper City officers be authorized to execute the following amendments to the lease agreements:

a) Amendment No. 1 to City Agreement 016349 with Marc Realty, providing for an additional five-year lease at a cost not to exceed \$374,340, commencing April 1, 2005; and

b) Amendment No. 1 to City Agreement 016350 with Marc Realty, providing for an additional five-year lease at a cost not to exceed \$242,112, commencing March 1, 2005.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) (Petr. No. 270374) for a one-year pilot program to test the benefits of an online auction service for unclaimed vehicles at the City of Minneapolis Impound Lot, contingent upon Project Review Committee approval.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW & W&M/Budget - Your Committee, having under consideration an E85 Fueling Infrastructure Facility, now recommends:

a) That the proper City officers be authorized to execute an agreement with Hennepin County for a Joint E85 Fueling Infrastructure Facility;

b) Acceptance of a \$22,500 grant from the American Lung Association for the facility;

c) Passage of the accompanying Resolution increasing the appropriation and revenue in the PW-Equipment Agency in the Permanent Improvement Equipment Fund by \$22,500 to represent receipt of said grant; and

d) That the proper City officers be authorized to execute a grant agreement with the American Lung Association for the E85 Fueling Infrastructure Facility.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-242
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation and revenue in the PW-Equipment Agency in the Permanent Improvement Equipment Fund (6100-675-6752) in the amount of \$22,500.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

T&PW & W&M/Budget - Your Committee, having under consideration the Stormwater Management Strategies Project (Petr. No. 270374), now recommends:

a) Passage of the accompanying Resolution closing out the capital project for flood Area 29 & 30 (51st & Zenith Av S) by closing the remaining appropriation of \$438,000 and increasing the appropriation for the Alternative Storm Water Management Strategies Project; and

b) Passage of a Resolution amending the Bonding Resolution (2003R-616) to substitute the remaining balance of \$438,000 from Flood Area 29 & 30 to Alternative Stormwater Management Strategies.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-243
By Colvin Roy and Johnson

Amending the 2005 Capital Improvement Appropriation Resolution (2004R-580).

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a) By closing out the capital project for Flood Area 29 & 30 (51st & Zenith Av S) in the PW-Sewer Construction-Capital Agency in the Sewer Enterprise Fund (7300-932-9322/FLA29) by canceling the remaining appropriation of \$438,000; and

b) By increasing the appropriation for the Alternative Storm Water Management Strategies Project (7300-932-9322/SW030) by \$438,000.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

RESOLUTION 2005R-244
By Colvin Roy and Johnson

Amending the Bonding Resolution (2003R-616), passed December 15, 2003.

Resolved, by The City Council of The City of Minneapolis:

That the above entitled Resolution, as amended, be further amended by requesting the Board of Estimate and Taxation to substitute \$438,000 in bonding authorization designated for the Flood Area 29 & 30 - 51st & Zenith Av S (SW018) project to the Alternative Storm Water Management Strategies (SW030) project.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends adoption of the City of Minneapolis Minneflex Plan Master Plan Document (Petn No 270377). The said document reflects that claims processing will be handled by Administration Resources Corporation (ARC), along with the continued provisions for the health care spending account.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 12-month labor agreement with the Minneapolis Public Works Engineers Association, effect January 1, 2005 through December 31, 2005.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-245 approving the terms of a 12-month labor agreement with the Minneapolis Public Works Engineers Association, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-245
By Johnson

Approving the terms of a collective bargaining agreement with the Minneapolis Public Works Engineers Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Public Works Engineers Association (Petn No 270380), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 2-year labor agreement with the Minneapolis Professional Employees Association, effect January 1, 2005 through December 31, 2006.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-246 approving the terms of a 2-year labor agreement with the Minneapolis Professional Employees Association, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-246

By Johnson

Approving the terms of a collective bargaining agreement with the Minneapolis Professional Employees Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Professional Employees Association (Petr No 270380), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 2-year labor agreement with the Minnesota Teamsters Public and Law Enforcement Employees Union, Local #320, Convention Center Unit, effect January 1, 2004 through December 31, 2005.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-247 approving the terms of a 2-year labor agreement with the Minnesota Teamsters Public and Law Enforcement Employees Union, Local #320, Convention Center Unit, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-247

By Johnson

Approving the terms of a collective bargaining agreement with the Teamsters Local #320, Convention Center Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minnesota Teamsters Public and Law Enforcement Employees Union, Local #320, Convention Center Unit (Petr No 270380), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources

Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee, having under consideration the City's Citizen Relationship Management System (311), now recommends that the proper City officers be authorized to:

- 1) Terminate existing contract with Motorola that includes a six month transition period.
- 2) Negotiate and execute a contract with Unisys/Lagan Technologies.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving a construction change order for the contract related to the New Central Library Project.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-248 approving a construction change order for the contract related to the New Central Library Project, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-248
By Johnson

Approving Change Order for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change order be approved:

a) Change Order #2 increasing Contract #C-19477 with Sowles Company, dba Northwest Tower Crane by \$20,124.00, for a new contract total of \$713,974.00.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the New Central Library Public Art Subcommittee that the proper City officers be authorized to execute the following contracts with: a) Lita Albuquerque for fabrication and installation of an artwork in the floor of Library Hall, for a total contract amount not to exceed \$185,000; b) Ben Rubin for fabrication and installation of an electronic light sculpture to be installed on the exterior of the glass elevators in Library Hall, for a total contract amount not to exceed \$110,000.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

(Republished 6/9/05)

W&M/Budget - Your Committee recommends acceptance of the low bid received on O.P. No. 6427 of PCL Construction Services, Inc. for sitework indicated in the plans and specifications. All this work including furnishing and delivery all material, labor, equipment and incidentals necessary to accomplish the work of Contract #15, Sitework, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and titled "Minneapolis Central Library Bid Package No. 7 – Contract No. 15", Sitework for a total contract price, including accepted Alternate No. 15.02, of \$1,763,000.

It is further recommended that the proper Library Board and City officers be authorized and directed to execute the contract for said services.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget - Your Committee recommends approval of payment of the 2004 proceeds of the 1% City lodging tax increase to the Greater Minneapolis Convention and Visitors Association in the amount of \$308,614 as part of their 2004 operating budget.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation to the GMCVA agency in the Convention and Related Fund by \$308,614.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

RESOLUTION 2005R-249

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Convention and Visitors Association Agency in the Minneapolis Convention Center Related Fund (0760-864-8641) by \$308,614.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

W&M/Budget – Your Committee, having under consideration a recommendation to appoint two new Capital Long-range Improvements Committee (CLIC) members to complete the 33 member committee, now recommends passage of the accompanying resolution approving the two new members; Dean Lund replacing Todd Reubold who resigned from Ward 2 and Gail Manning, a new appointee for Ward 10, both for the term of February 1, 2005 to January 31, 2007.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby

Resolution 2005R-250 approving the two new City Appointments of CLIC members Dean Lund (Ward 2) and Gail Manning (Ward 10), was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-250

By Johnson

Approving two City Council Appointments to the Capital Long-range Improvements Committee (CLIC).

Resolved by The City Council of The City of Minneapolis:

That the following individuals are appointed to CLIC for a term of February 1, 2005 to January 31, 2007: a) Dean Lund – Ward 2; b) Gail Manning – Ward 10.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Douglas Neimann from the decision of the Planning Commission granting the applications of Jones Harrison Residence, 3700 Cedar Lake Ave, for conditional use permits a) for an addition to an existing nursing home/assisted living facility; and b) to increase the height of the building located in the Shoreland Overlay District from 2.5 stories/35 feet to 3 stories/32 feet, now recommends that said appeal be denied and the decision of the Planning Commission be upheld, with the additional requirement that any exterior lighting on the facility be modified to minimize light pollution (i.e., hooded, or similar lighting to project only against the building).

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Z&P - Your Committee, having under consideration the appeal filed by Eat Street Flats, LLC from the decision of the Heritage Preservation Commission (HPC), appealing conditions of the modified Certificate of Appropriateness (COA) approved on 3/22/05, amending the COA originally approved on 7/13/04, for a four-story commercial and residential building, which limited the amount of stucco and the size of the balconies on the new construction, and denied the insertion of through-the-wall air conditioning units in the new construction at 15 E Franklin Ave, now recommends denying the appeal to increase the amount of stucco on the building; denying the appeal to increase the balcony projection from 2' to 4', but granting the appeal to allow through-the-wall HVAC units, subject to the following conditions for the modified COA: a) The door and window glazing must be clear, non-tinted, non-reflective glass. One coat of Low-E glazing is permitted; b) The storefronts on the east half of the north façade must have one consistent and repeated glazing pattern and mullion design; c) The stucco proposed for the building must be actual stucco, EIFS is not allowed; d) The stucco proposed for the street facing elevations of the building must be changed to brick that matches the brick proposed for the remainder of the building. Stucco will be allowed as an accent material on these elevations, provided the total amount of stucco on each elevation does not exceed the amount that was approved for each elevation by the HPC on 7/13/04; e) The projection of the balconies on the street facing elevations of the building must be reduced to 2'. The balconies cannot project out more than 2' from the principal wall plane of these elevations. However, the balconies can be recessed into the building, provided the overall openings do not increase in size; f) The cutback southeast and southwest corners of the building (floors 2-4) must be squared off to align with the adjacent wall planes; g) The through-the-wall HVAC units can be installed on the side walls of the recessed balconies, if the balconies are enclosed by full-height walls on three sides, if the HVAC units are installed as low as possible on the walls (consistent with the mechanical and plumbing inspector approvals), and if they are painted to match the adjacent wall material; h) The three plastic faced individual letter signs proposed for the drive-thru canopy on the rear (south) elevation of the building are not approved; i) The 10'-4" long by 1'-6" tall signs proposed for the eastern half of the building are approved, provided they will be wall signs, do not increase or decrease in size, and they fully comply with the Design Guidelines for On-Premise Signs and Awnings. The HPC staff must approve the actual design for each sign; j) The HPC staff must approve the revised design, as approved by the City Council, the final construction plans and all of the construction materials, including the doors, windows, storefronts, balconies and canopies; k) Fireplace vents as well as dryer vents shall be located in recessed balconies and are subject to the requirements for the HVAC units listed in Condition "g".

Your Committee further recommends that the Findings prepared by HPC staff and on file in the office of the City Clerk be adopted and made a part of this report by reference.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Bluff Street Development, LLC (BZZ-2237) to rezone the property at 521 – 2nd St SE from I1 to the C3A District and to remove the Industrial Living Overlay District to permit a 52-unit residential building with underground parking and first floor commercial, notwithstanding the staff recommendation, and adopting the related findings prepared by the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Ordinance 2005-Or-035, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 521 – 2nd St SE to the C3A District and to remove the Industrial Living Overlay District, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-035
By Schiff
1st & 2nd Readings: 4/29/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 8, 9 and 10, Block 34, St. Anthony Falls, according to the recorded plat thereof, Hennepin County, MN (521 – 2nd St SE - Plate 15) to the C3A District and removing the Industrial Living Overlay District.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission to approve changes to the official boundaries of the Phillips West neighborhood and establishing the new neighborhood Phillips West, bounded by Lake St on the south, I-35W on the west, E 22nd St on the north and Chicago Ave on the east, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Heritage Housing LLC (BZZ-2206) to rezone the property currently described as Outlot D, Minneapolis Heritage Park, from R1A to the R4 District; and Outlots E and F, Minneapolis Heritage Park Plat 2, from I1 to the R4 District, for development of single family and multiple family housing as part of the Heritage Park 2nd Ownership Phase (area roughly bounded by Van White Memorial Blvd, 10th, 12th and Humboldt Aves N), and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Ordinance 2005-Or-036, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties currently described as Outlot D, Minneapolis Heritage Park and Outlots E and F, Minneapolis Heritage Park Plat 2 the R4 District (area roughly described as bounded by Van White Memorial Blvd, 10th, 12th and Humboldt Aves N), was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-036
By Schiff
1st & 2nd Readings: 4/29/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land (area roughly bounded by Van White Memorial Blvd, 10th Ave N, 12th Ave N and Humboldt Ave N) to the R4 District (Plates 12 & 13), pursuant to MS 462.357:

- A. Outlot D, Minneapolis Heritage Park.
- B. Outlots E and F, Minneapolis Heritage Park Plat 2.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, to revise the scope and standards of site plan review; to amend fees to reflect changes to the scope and administration of site plan review; and to establish and amend the standards for dwellings with one to four units as well as certain buildings or uses that may not be subject to site plan review, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and passage:

- a) Amending Chapter 525 relating to Zoning Code: Administration and Enforcement;
- b) Amending Chapter 530 relating to Zoning Code: Site Plan Review; and
- c) Amending Chapter 535 relating to Zoning Code: Regulations of General Applicability.

Schiff moved to amend Chapter 530 of the above-entitled ordinance by substituting a new Table 530-2 for the original Table 530-2, each reading as follows:

“Original” Table 530-2 Standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units

<i><u>Points</u></i>	<i><u>Design Standard</u></i>
<u>5</u>	<u>The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass</u>
<u>5</u>	<u>Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure</u>
<u>4</u>	<u>Not less than twenty (20) percent of the walls on each floor that faces a public street, not including walls on half stories, are windows</u>
<u>3</u>	<u>Not less than ten (10) percent of the walls on each floor that faces a rear or interior side lot line, not including walls on half stories, are windows</u>
<u>3</u>	<u>The structure includes a basement as defined by the building code</u>
<u>2</u>	<u>The structure includes an open front porch of at least fifty (50) square feet where there is at least one existing open front porch within one hundred (100) feet of the site</u>
<u>1</u>	<u>The pitch of the primary roof line is 6/12 or steeper. However, the point shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site</u>
<u>1</u>	<u>The development includes at least one (1) deciduous tree in the front yard</u>

"Substitute" Table 530-2 Standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units

<u>Points</u>	<u>Design Standard</u>
5	<u>Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure</u>
5	<u>The structure includes a basement as defined by the building code</u>
4	<u>The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass</u>
3	<u>Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows</u>
3	<u>Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows</u>
2	<u>The pitch of the primary roof line is 6/12 or steeper. However, the point shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site</u>
1	<u>The structure includes an open front porch of at least fifty (50) square feet where there is at least one existing open front porch within one hundred (100) feet of the site</u>
1	<u>The development includes at least one (1) deciduous tree in the front yard"</u>

Seconded.

Adopted by unanimous consent.

Absent – Goodman, Johnson, Zerby.

Zimmermann moved to amend Chapter 530, "Substitute" Table 530-2 of the above-entitled ordinance by inserting the word "aluminum" to the primary exterior building materials listed to obtain points for meeting design standards. Seconded.

Lost upon a voice vote.

Absent – Goodman, Johnson, Zerby.

Niziolek moved to amend Chapter 530 of the above-entitled ordinance by inserting the "Original" Table 530-2. Seconded.

Lost upon a voice vote.

Absent – Goodman, Johnson, Zerby.

Johnson Lee moved to amend the report to include a direction to staff to report back to the Zoning & Planning Committee following their presentation to the Planning Commission on the effects of the changes to the site plan review text amendments. Seconded.

Adopted upon a voice vote.

Absent – Goodman, Johnson, Zerby.

The report, as amended, was adopted 4/29/05. Yeas, 9; Nays, 1 as follows:

Yeas - Johnson Lee, Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Lilligren.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

(Published 5/4/05; Republished 5/7/05)

Ordinance 2005-Or-037 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement, amending Sections 525.100, 525.140, 525.160 to direct appeals of certain site plan review decisions to the board of adjustment, require neighborhood notification of administrative site plan review applications, and amend fees to reflect changes to the scope and administration of site plan review, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-037
By Schiff
Intro & 1st Reading: 2/25/05
Ref to: Z&P
2nd Reading: 4/29/05

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.100 of the above-entitled ordinance be amended to read as follows:

525.100. City planning commission. (a) *Establishment.* The city planning commission is established by Chapter 13 of the Minneapolis City Charter, City Planning Department, and shall perform its duties and exercise its powers as provided therein.

(b) *Jurisdiction and authority.* The city planning commission shall have the following powers and duties in connection with the administration of this zoning ordinance:

- (1) To initiate amendments to the text of this zoning ordinance and to the zoning map.
- (2) To hear and make recommendations to the city council on proposed amendments to this zoning ordinance, including rezonings.
- (3) To initiate amendments to the comprehensive plan.
- (4) To hear and make recommendations to the city council on proposed amendments to the comprehensive plan.
- (5) To hear and decide applications for conditional use permit.
- (6) To hear and decide applications for major site plan review, pursuant to the procedures and standards set forth in Chapter 530, Site Plan Review.
- (7) To hear and decide applications for expansion of a nonconforming use and change of nonconforming use, pursuant to the procedures and standards set forth in Chapter 531, Nonconforming Uses and Structures.
- (8) To hear and decide applications for land use reviews, including but not limited to variances and certificates of nonconforming use, as part of concurrent review, pursuant to section 525.20.
- (9) To hear and decide appeals from any order, requirement, decision, determination or interpretation made by the zoning administrator, planning director or other official in the administration or the enforcement of this zoning ordinance with respect to ~~minor site plan review~~; administrative review of permitted communication towers, antennas and base units, travel demand management plans, transfer of development rights, and floor area ratio premiums, and site plan review except those involving single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units.
- (10) To recommend to the city council appointments to the board of adjustment.

(c) *Public hearings.* The city planning commission shall schedule public hearings not less than twice per month, except in those months where the chair determines that because of holiday schedules or the number of agenda items, one (1) meeting is sufficient to carry out the commission's duties. Such public hearings shall be noticed and conducted pursuant to the provisions of section 525.150.

(d) *Rules and procedures.* The city planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning, and select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with the city charter and this zoning ordinance.

(e) *Compensation of city planning commission members.* The members or the representative of a member of the city planning commission, except those who are paid by the city or any other public body or agency for attending or serving on the commission, shall be paid at the rate of fifty dollars (\$50.00) for each official meeting attended with a limitation of one (1) meeting per day and four (4) meetings per month.

Section 2. That Section 525.140 of the above-entitled ordinance be amended to read as follows:

525.140. Application procedures. (a) *In general.* All applications submitted shall be processed by the zoning administrator, who shall make a preliminary investigation, in accordance with the procedures set forth in this chapter.

(b) *Determination of completeness of application.* The zoning administrator shall review all applications and determine whether such applications are complete. Applications shall not be accepted as complete until the applicant has complied with all of the following:

- (1) A pre-application meeting with city staff during which the appropriate application procedures, requirements and applicable zoning ordinance provisions are reviewed and explained.
- (2) Submittal of all required application forms relating to the application, including all additional applications, as required in sections 525.20 and 525.30.
- (3) Submittal of all supporting information required by city ordinance, the zoning administrator, the planning director, the application forms, or by law, including a list of all owners of record of property located in whole or in part within three hundred fifty (350) feet of the boundaries of the subject property, as identified in the records of the Hennepin County Department of Property Taxation.
- (4) Submittal of all fees.
- (5) Submittal of all required environmental reviews.
- (6) Submittal of all required state and federal permits for uses located in the FP Floodplain Overlay District.
- (7) For all land use applications requiring a public hearing as set forth in this zoning ordinance, except appeals of decisions of the city planning commission or board of adjustment, submittal of evidence that notification of the application has been mailed or delivered to the ward council office and the neighborhood group(s) for the area in which the property is located. For all applications for administrative site plan review as set forth in Chapter 530, submittal of evidence that notification of the application has been mailed or delivered to the neighborhood group(s) for the area in which the property is located. The neighborhood group(s) to be notified are those organizations that appear on the list maintained by the planning department for this purpose. The notification shall include the following information: a description of the project; the zoning approvals that the applicant is aware are needed for the project; the address of the property for which zoning approval is sought; and the applicant's name, address, telephone number, and e-mail address, if available. Where the property for which zoning approval is sought is located on a public street that acts as a boundary between two neighborhoods, the above information shall also be provided to the neighborhood group(s) representing the adjacent area(s).

(c) *Incomplete applications.* If after the application has been accepted, the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing within fifteen (15) business days of receipt, specifying any deficiencies of the application, including any additional information which must be supplied, and that no further action shall be taken by the city on the application until the deficiencies are corrected.

(d) *Remedy of deficiencies.* If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application shall be deemed withdrawn and will be returned to the applicant.

(e) *Extensions of time.* Upon written request by the applicant, the zoning administrator may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by these application procedures.

Section 3. That Section 525.160 of the above-entitled ordinance be amended to read as follows:

525.160. Fees. (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the zoning ordinance shall pay fees in the amount listed in Table 525-1, Fees.

Table 525-1 Fees

<i>Application Type</i>	<i>Fee (dollars)</i>
Administrative reviews of communication towers, antennas, and base units	200
Administrative reviews to increase height or floor area of accessory structures	250

Appeals of the ruling of the board of adjustment or city planning commission	250
Appeals of the ruling of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance	300
Certificates of nonconforming use	500
Conditional use permits	
0-9,999 square feet of lot area	450
10,000-43,559 square feet of lot area	650
43,560 square feet or lot area or more	850
Conditional use permits related to signs, regardless of lot area	550
Conditional use permits for planned unit developments	1,500
Environmental reviews 500 or the actual costs of environmental review processes as determined by the planning director, whichever is greater	
Expansion or change of nonconforming use	500
Floor area ratio premiums	1,000
Interim uses	
0-9,999 square feet of lot area	450
10,000-43,559 square feet of lot area	650
43,560 square feet or lot area or more	850
Major site plan review	
0-9,999 square feet of lot area	500
10,000-43,559 square feet of lot area	750
43,560 square feet of lot area or more	1,000
Minor site plan review	400
Shared parking	100
<u>Site plan reviews</u>	
<u>0 - 9,999 square feet of lot area</u>	<u>500</u>
<u>10,000 - 43,559 square feet of lot area</u>	<u>750</u>
<u>43,560 square feet of lot area or more</u>	<u>1,000</u>
<u>Administrative site plan reviews</u>	
<u>0 - 9,999 square feet of lot area</u>	<u>350</u>
<u>10,000 - 43,559 square feet of lot area</u>	<u>550</u>
<u>43,560 square feet of lot area or more</u>	<u>750</u>
<u>Administrative site plan reviews for single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units</u>	<u>100</u>
Temporary uses	100
Transfer of development rights	350
Travel demand management plans	500
Variances	
0-9,999 square feet of lot area	350
10,000-43,559 square feet of lot area	550
43,560 square feet of lot area or more	750
Variances involving residential uses on reverse corner lots or through lots having less than 10,000 square feet of lot area	150
Waiver of restrictions of interim ordinances	150
Zoning amendments	
0-9,999 square feet of lot area	550
10,000-43,559 square feet of lot area	750
43,560 square feet of lot area or more	950
(b) <i>Postage and publication.</i> For applications requiring notice of a public hearing to affected property owners, the applicant shall pay the cost of first class postage based on the number of property owners to be	

notified. In addition, for applications requiring publication in a newspaper of general circulation, the applicant shall pay a fee of twenty five dollars (\$25.00).

(c) *Forms and payment of fees.* The zoning administrator shall provide applicants with forms, designating therein the amount of fees to be paid. All fees shall be payable to the city finance officer.

(d) Refund of fees.

- (1) *Incomplete applications.* If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 525.140(d), the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.
- (2) *Complete applications.* If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.
- (3) *Exception.* The city shall refund the total amount of fees paid for any application that was accepted by the zoning administrator in error.

Adopted 4/29/05. Yeas, 9; Nays, 1 as follows:

Yeas – Johnson Lee, Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays – Lilligren.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

Ordinance 2005-Or-038 amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review to revise the scope and standards of site plan review, including adding design standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-038

By Schiff

Intro & 1st Reading: 12/15/03

Ref to: Z&P

2nd Reading: 4/29/05

Amending Title 20, Chapter 530 of the Minneapolis Code of Ordinances relating to Zoning Code: Site Plan Review.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 530 of the above-entitled ordinance be amended by adding thereto a new Section 530.20 to read as follows:

530.20. Definitions. As used in this chapter, the following words and phrases shall mean:

Public Pathway. Any publicly owned pathway, greenway or bike trail including, but not limited to, the Midtown Greenway, Loring Greenway or the Humboldt Greenway.

Section 2. That Section 530.20 of the above-entitled ordinance be amended to read as follows:

530.230. Buildings and Uses subject to site plan review. (a) *In general.* Table 530-1, Buildings and Uses Subject to Site Plan Review, lists all buildings and uses subject to ~~major~~ site plan review. The site plan review requirements of this chapter shall apply to the establishment or expansion of any building, principal use, ~~building~~ or freestanding accessory parking garage listed on the table, except as otherwise provided by

this section. Site plan review shall not be required where the property has received site plan approval and is in full compliance with such approval, and the establishment or expansion of the use does not alter the approved site plan.

(b) *Downtown districts.* Any building containing fifty thousand (50,000) square feet or more of new or additional gross floor area located in the Downtown districts, except automobile services uses, any use with a drive-through facility, transportation uses, and principal or freestanding accessory parking garages, shall be subject to the requirements of Article I, General Provisions, and Article VI, Downtown Standards, of this chapter shall be exempt from the general landscaping and screening requirements. The parking and loading landscaping and screening requirements shall apply.

(c) *Exceptions.* Notwithstanding sections (a) and (b) above, uses specified with a "X" under the "Exceptions" column shall be subject to minor site plan review where one (1) or more of the following conditions exists. Minor site plan review shall consist of an administrative review of the proposed use for compliance with the specific development standards and general regulations of this zoning ordinance:

- (1) The use is located in a storefront building existing on the effective date of this ordinance provided, there are no more than nine (9) accessory off-street parking spaces on the zoning lot.
- (2) The use is located in an existing building that has received site plan approval and is in full compliance with such approval, and the establishment or expansion of the use does not alter the approved site plan of the building.
- (3) The use is located in an existing building containing fifty thousand (50,000) square feet or more of gross floor area located in the Downtown districts, provided the entrances and windows of the existing building shall not be reduced below the minimum requirements specified by this chapter, or if the entrances or windows are less than the minimum requirements of this chapter, they shall not be reduced further.

Section 3. That Table 530-1 of the above-entitled ordinance be amended to read as follows:

Table 530-1 Uses Subject to Site Plan Review

Uses Subject to Major Site Plan Review	Exceptions
General Uses¹	
Automobile services uses	
Any use with a drive-through facility	
Food and beverages uses	☐ except fast food restaurants
Medical facilities uses	☐
Public services and utilities uses	☐
Transportation uses	
Any change in use of an existing automobile services use	
Any use containing five (5) or more new or additional dwelling units or rooming units ²	☐
Any building containing twenty thousand (20,000) square feet or more of new or additional gross floor area, except in the Downtown districts ³	
Any building containing fifty thousand (50,000) square feet or more of new or additional gross floor area in the Downtown districts ⁴	
Specific Uses	
Drug store	☐
Grocery store	☐
Principal parking facilities containing ten (10) or more new or additional parking spaces ⁵	
Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces ⁶	
Recycling facility	
Self-service storage	
Shopping center	
Theater	☐
Video store	☐

Table 530-1 Buildings and Uses Subject to Site Plan Review

Any new principal non-residential or mixed use building

The site plan review application may be reviewed administratively if both of the following apply:

- (1) The project or proposal does not include any other land use application requiring a public hearing.
- (2) The building contains less than twenty thousand (20,000) square feet of gross floor area.¹

Any addition to a non-residential or mixed use building that would increase its gross floor area by one thousand (1,000) square feet or more

The site plan review application may be reviewed administratively if each of the following apply:

- (1) The project or proposal does not include any other land use application requiring a public hearing.
- (2) The building addition would not face a public street, sidewalk, or pathway.
- (3) The building addition contains less than twenty thousand (20,000) square feet of gross floor area.¹

Any building or use containing five (5) or more new or additional dwelling units or rooming units²

The site plan review application may be reviewed administratively if the following applies:

- (1) The project or proposal does not include any other land use application requiring a public hearing.

Any use with a drive-through facility

Automobile services uses

Freestanding accessory parking garages containing thirty (30) or more new or additional parking spaces³

Principal parking facilities containing ten (10) or more new or additional parking spaces⁴

Public services and utilities uses

Recycling facility

Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units

The site plan review application shall be reviewed administratively and shall be subject to the standards of Article VI, Single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units.

Transportation uses

⁴~~Includes all uses listed within a use category in the Residence, Office Residence, Commercial, Downtown or Industrial districts.~~

² Additions that total five (5) or more dwelling or rooming units in any three (3) year period shall be subject to major site plan review.

³¹ Additions that total twenty thousand (20,000) square feet or more in any three (3) year period shall be subject to major site plan review.

² Additions that total five (5) or more dwelling or rooming units in any three (3) year period shall be subject to major site plan review.

⁴ Additions that total fifty thousand (50,000) square feet or more in any three (3) year period shall be subject to major site plan review.

⁵³ Additions that total ~~ten (10)~~ thirty (30) or more parking spaces in any three (3) year period shall be subject to major site plan review. ~~Parking facilities that are entirely below grade shall be subject to minor site plan review only.~~

⁶⁴ Additions that total ~~thirty (30)~~ ten (10) or more parking spaces in any three (3) year period shall be subject to major site plan review. ~~Parking garages that are entirely below grade shall be subject to minor site plan review only.~~

Section 4. That Section 530.30 of the above-entitled ordinance be amended to read as follows:

530.340. Application for site plan review. Any person having a legal or equitable interest in ~~land a~~ property may file an application for site plan review on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement. The zoning administrator shall determine whether the application requires ~~major or minor~~ site plan review or administrative site plan review pursuant to ~~section 530.20 and Table 530-1, Buildings and~~ Uses Subject to Site Plan Review.

Section 5. That Section 530.40 of the above-entitled ordinance be amended to read as follows:

530.450. Hearing on application for major site plan review. The city planning commission shall hold a public hearing on each complete application for major site plan review as provided in Chapter 525, Administration and Enforcement. All findings and decisions of the city planning commission concerning site plan review shall be final, subject to appeal to the city council as specified in Chapter 525, Administration and Enforcement.

Section 6. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.60 to read as follows:

530.60. Administrative site plan review. The zoning administrator shall conduct the administrative review of all applications for administrative site plan review. All findings and decisions of the zoning administrator shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Enforcement.

Section 7. That Section 530.50 of the above-entitled ordinance be amended to read as follows:

530.570. Required findings for major site plan review. The city planning commission or zoning administrator shall make each of the following findings before approving a site plan review application:

- (1) The site plan conforms to all applicable standards of this chapter.
- (2) The site plan conforms to all applicable regulations of this zoning ordinance and is consistent with the applicable policies of the comprehensive plan and applicable small area plans adopted by the city council.
- (3) The site plan is consistent with applicable development plans or development objectives adopted by the city council.

Section 8. That Section 530.60 of the above-entitled ordinance be amended to read as follows:

530.680. Alternative compliance. The city planning commission or zoning administrator may approve alternatives to any major site plan review requirement upon finding any of the following:

- (1) The alternative meets the intent of this chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural features, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- (2) Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- (3) The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Section 9. That Section 530.70 of the above-entitled ordinance be amended to read as follows:

530.790. Conditions and guarantees for major site plan review. (a) *In general.* The city planning commission or zoning administrator may impose such conditions on any proposed site plan and require such guarantees as it deems reasonable and necessary for the protection of to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance, the and the applicable policies of the comprehensive plan and any development plans or development objectives adopted by the city council.

(b) *Performance bond or letter of credit.* The city planning commission or zoning administrator may shall require a performance bond or letter of credit to be supplied by the applicant guaranteeing completion of required site improvements as a condition of site plan approval, except for uses governed by Article VI, Downtown Standards, of this chapter, uses owned or operated by a government agency, or where the cost of the improvements is less than two thousand dollars (\$2,000.00). The amount of such bond shall be set at one hundred twenty-five (125) percent of the estimated cost of the improvements. If the site improvements are not completed within the specified time period, the city may authorize the bonding company to complete the improvements.

Section 10. That Section 530.80 of the above-entitled ordinance be and is hereby repealed.

530.80. Administrative review of minor site plan review. The zoning administrator shall conduct the administrative review of all applications for minor site plan review. All findings and decisions of the zoning administrator shall be final, subject to appeal to the board of adjustment, as specified in Chapter 525, Administration and Enforcement.

Section 11. That Section 530.90 of the above-entitled ordinance be and is hereby repealed.

530.90. Existing uses. (a) *In general.* Notwithstanding any other provision to the contrary, uses existing on the effective date of this zoning ordinance that did not comply with the requirements of the 1963 zoning code governing site plan review shall be subject to the site plan review standards of this chapter.

Voluntary compliance may be achieved at any time through the filing of an application for site plan review. In addition, this requirement will be enforced upon the occurrence of any of the following:

- (1) The alteration or expansion of such use.
- (2) The filing of any application for zoning, licensing, building permit or other approval for such use.
- (3) Notice from the zoning administrator that such use must submit an application for site plan review. If neither (1) nor (2) above applies to a use receiving notice, an application for site plan review shall be submitted to the zoning administrator within sixty (60) days of such notice.

(b) *Appeal*. All decisions of the zoning administrator shall be subject to appeal pursuant to Chapter 525, Administration and Enforcement.

Section 12. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.100 to read as follows:

530.100. Changes in approved site plan. (a) *Minor changes*. The zoning administrator may authorize minor changes in the placement and size of improvements and the type of exterior materials for an approved site plan, if the changes are required because of conditions that were unknown at the time the permit was approved, and the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission or zoning administrator in connection with the approval of the site plan.

(b) *Other changes*. Changes to the site plan affecting bulk regulations, parking and loading, or components of the site plan other than minor changes in the placement and size of improvements and the type of exterior materials shall require amendment to the site plan. The requirements for application and approval of a site plan amendment shall be the same as the requirements for original application and approval.

Section 13. That Article II of Chapter 530 of the above-entitled ordinance be amended to read as follows:

ARTICLE II. BUILDING PLACEMENT AND FAÇADE DESIGN

Section 14. That Section 530.100 of the above-entitled ordinance be amended to read as follows:

530.100. Building placement. (a) *In general*. The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. Except in the C3S Community Shopping Center District, the first floor of buildings shall be located not more than eight (8) feet from the front lot line, except where a greater yard is required by this zoning ordinance. In the case of a corner lot, the building wall abutting each street shall be located not more than eight (8) feet from the lot line, except where a greater yard is required by this zoning ordinance. The area between the building and the lot line shall include amenities such as landscaping, tables and seating. Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site. In the case of a corner lot, the principal entrance shall face the front lot line. Except in the C3S Community Shopping Center District, on-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade.

(b) *Exceptions*. The city planning commission or zoning administrator may approve alternatives to these requirements, subject to section 530.680, provided that where applicable, any adverse effects shall be mitigated by a decorative fence, masonry wall, or planted materials that reinforce the street wall.

Section 15. That Section 530.110 of the above-entitled ordinance be amended to read as follows:

530.110. Building façade design. (a) *In general Building walls*. Building façades walls shall provide architectural detail and shall contain windows at the ground level or first floor as required in this section in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. In larger buildings, architectural elements, including recesses or projections in the building façade, windows and entries, shall be emphasized to divide the building mass into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length. Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where visible from fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.

(b) *Entrances and windows*.

- (1) *Residential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs, ~~recessions into the facade~~, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. The form and pitch of roof lines shall be similar to surrounding buildings. At least twenty (20) percent of the first floor facade that faces public street, sidewalk or parking lot shall be windows or doors. Windows shall be vertical in proportion and distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

a. Windows shall be vertical in proportion.

b. Windows shall be distributed in a more or less even manner.

Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- (2) *Nonresidential uses.* Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs, ~~recessions into the facade~~, or other details that express the importance of the entrance. Multiple entrances shall be encouraged. At least thirty (30) percent of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

a. Windows shall be vertical in proportion.

b. Windows shall be distributed in a more or less even manner.

c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.

d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

(c) *Roof lines.* The form and pitch of roof lines shall be similar to surrounding buildings.

(ed) *Parking garages.* The exterior design of parking garages shall ensure that sloped floors do not dominate the appearance of the facade walls and that vehicles are screened from view. At least thirty (30) percent of the first floor facade building wall that faces a public street, or public sidewalk or public pathway shall be occupied by commercial active uses, or shall be designed with architectural detail or windows, including display windows, to create visual interest.

(de) *Exceptions.* The city planning commission or zoning administrator may approve alternatives to these requirements, subject to section 530.680, provided that the security of the surrounding area is considered

and that any adverse effects are mitigated through the use of wall enhancements or architectural features, including display windows, that create visual interest.

ARTICLE III. ACCESS AND CIRCULATION

Section 16. That Section 530.120 of the above-entitled ordinance be amended to read as follows:

530.120130. Pedestrian access. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. Such walkways shall be a minimum of four (4) feet in width.

Section 17. That Section 530.130 of the above-entitled ordinance be amended to read as follows:

530.130140. Transit access. Where transit shelters are provided, such shelters shall be well lighted and weather protected, and shall be placed in locations that promote security through natural surveillance and visibility.

Section 18. That Section 530.140 of the above-entitled ordinance be amended to read as follows:

530.140150. Vehicular access. (a) *In general.* Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible.

(b) *Vehicular alley access.* Where vehicular alley access is provided, traffic shall be directed to minimize impact upon residential properties. Alley access shall be prohibited for the following uses when located on a block containing any residence or office residence zoning:

- (1) Automobile services uses.
- (2) Transportation uses.
- (3) Any use with a drive-through facility.
- (4) Food and beverages uses over four thousand (4,000) square feet.
- (5) Grocery stores over four thousand (4,000) square feet.
- (6) Video stores over four thousand (4,000) square feet.
- (7) Drug stores over four thousand (4,000) square feet.
- (8) Shopping centers over four thousand (4,000) square feet.
- (4) Any non-residential use over four thousand (4,000) square feet.

(c) *Exceptions.* The city planning commission or zoning administrator may approve exceptions to allow alley access where strict adherence is impractical because of site location or conditions and the exception meets the intent of this section. The city planning commission or zoning administrator shall accept input from the fire, police, and public works departments and shall consider, but not be limited to, the following factors when determining whether to approve an exception:

- (1) The number of residential uses on the block and their use of the alley.
- (2) The number of commercial uses on the block and their use of the alley.
- (3) The location of the site on the block and its proximity to the end of the block.
- (4) Other access to/from the site.
- (5) The nature of the use and the number of vehicle trips the site is expected to generate.
- (6) Public safety and crime prevention.
- (7) The hours and days of operation of the use.
- (8) Alley design and traffic safety impacts.

(d) *Service access.* Access for service vehicles shall be provided which does not conflict with pedestrian traffic and shall be screened as specified in this chapter. Where practical, truck loading areas shall be located away from residence and office residence districts.

~~(e) *Snow storage and removal.* Adequate areas for snow storage shall be provided unless the applicant provides an acceptable snow removal plan.~~

~~(fe) *Reduction of impervious surface.* To the extent possible, site plans shall minimize the use of impervious surfaces. The use of interlocking pavers capable of carrying a wheel load of four thousand (4,000) pounds is encouraged for areas that serve low impact parking needs such as remote parking lots, parking facilities for periodic uses and parking in natural amenity areas.~~

ARTICLE IV. LANDSCAPING AND SCREENING

Section 19. That Section 530.150 of the above-entitled ordinance be amended to read as follows:

530.150160. General landscaping and screening. (a) ~~*In general*~~ *Required landscaping.* Overall composition and location of landscaped areas shall complement the scale of the development and its

surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Not less than twenty (20) percent of the site not occupied by buildings including all required landscaped yards shall be landscaped as follows (for purposes of this provision, a canopy or service area canopy shall not be considered a building):

- (1) Not less than one (1) canopy tree for each ~~one thousand~~ five hundred (1,000 500) square feet, or fraction thereof.
- (2) Not less than one (1) shrub for each ~~two~~ one hundred (200 100) square feet, or fraction thereof.
- (3) The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.



plan



elevation

~~(b) Required landscaped yard. Where a landscaped yard is required by this zoning ordinance, such requirement shall be satisfied by one of the following:~~

- ~~(1) Trees and shrubs consisting of all of the following:~~
 - ~~a. Not less than one (1) canopy tree for each five hundred (500) square feet, or fraction thereof.~~
 - ~~b. Not less than one (1) shrub for each one hundred (100) square feet, or fraction thereof.~~
 - ~~c. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.~~

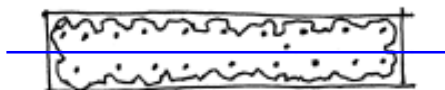


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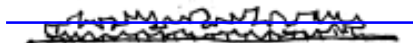


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- ~~(2) Shrubs consisting of all of the following:~~
 - ~~a. Not less than one (1) shrub for each fifty (50) square feet, or fraction thereof.~~
 - ~~b. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.~~

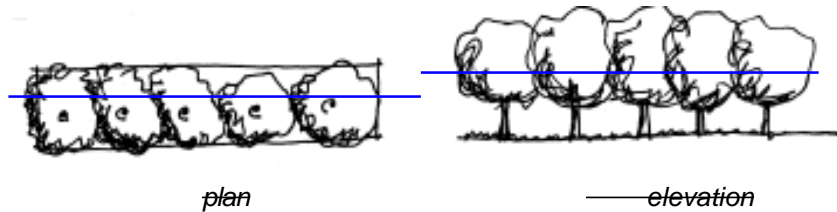


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- (3) Trees consisting of all of the following:
- a. Not less than one (1) canopy tree for each two hundred (200) square feet, or fraction thereof.
 - b. The remainder of the landscaped area shall be covered with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.



(eb) *Required screening.* Where screening is required by this zoning ordinance, such screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height. Required screening shall be at least ninety-five (95) percent opaque throughout the year, unless otherwise specified. All screening shall be subject to the regulations of Chapter 535, Regulations of General Applicability governing fences. Required screening shall be satisfied by one (1) or a combination of the following:

- (1) A decorative fence.



- (2) A masonry wall.

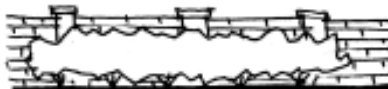


- (3) A hedge.



(ec) *Required landscaped yard and screening.* Where both a landscaped yard and screening is required by this zoning ordinance, such required landscaped yard shall be satisfied by one (1) of the following:

- (1) Along a rear or interior side lot line. ~~E~~locate the required landscaped yard inside or outside the required screen.



- (2) Along a public street, public sidewalk or public pathway. ~~E~~locate the required landscaped yard ~~inside or~~ outside the required screen if the portion of unless such screen is highly decorative and is less than sixty (60) percent opaque, such as a wrought iron fence.



Section 20. That Section 530.160 of the above-entitled ordinance be amended to read as follows:

530.160170. Parking and loading landscaping and screening. (a) *In general.* Parking and loading facilities, and all other areas upon which motor vehicles may be located, including but not limited to drive-through facilities, pump island service areas and stacking spaces, shall comply with the standards of this chapter and the applicable regulations of this zoning ordinance. Where this section requires a landscaped yard, such yard shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed.

(b) *Parking and loading fronting along a public street, public sidewalk or public pathway.* Parking and loading facilities, and all other areas upon which motor vehicles may be located fronting along a public street, public sidewalk or public pathway shall comply with the following standards:

- (1) A landscaped yard at least ~~five~~ seven (57) feet wide shall be provided along the public street, sidewalk or pathway, except where a greater yard is required. If a parking facility contains over ~~two one~~ hundred (200100) parking spaces, the minimum required landscaped yard shall be increased to ~~eight~~ nine (89) feet in width.
- (2) Screening consisting of either a masonry wall, fence, berm or hedge or combination thereof that forms a screen three (3) feet in height and not less than sixty (60) percent opaque shall be provided, except that where areas are devoted principally to the parking or loading of trucks or commercial vehicles of more than fifteen thousand (15,000) pounds screening six (6) feet in height and not less than sixty (60) percent opaque shall be required.
- (3) Not less than one (1) tree shall be provided for each twenty-five (25) linear feet or fraction thereof of parking or loading area lot frontage.

(c) *Parking and loading abutting or across an alley from a residence or office residence districts, or any permitted or conditional residential use.* Parking and loading facilities and all other areas upon which motor vehicles may be located that ~~abut or are across an alley from a residence or office residence district or that~~ abut a permitted or conditional residential use shall comply with the following standards:

- (1) A landscaped yard at least ~~five~~ seven (57) feet wide shall be provided along the property line or alley, except where a greater yard is required. If a parking facility contains over ~~two one~~ hundred (200100) parking spaces, the minimum required landscaped yard shall be increased to ~~eight~~ nine (89) feet in width.
- (2) ~~Screening shall be provided as specified in section 530.150 (c).~~ Screening at least ninety-five (95) percent opaque shall be provided as specified in section 530.150(b).

(d) *Interior landscaping of parking lots.* The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

(e) *Distance to trees.* In parking lots of ten (10) spaces or more, ~~no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree.~~ Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.

Section 21. That Section 530.170 of the above-entitled ordinance be and is hereby repealed.

530.170. Interior landscaping of parking lots. ~~(a) In general. (d) Interior landscaping of parking lots.~~ The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

~~(b) Parking lots containing over two hundred (200) spaces.~~ On parking lots containing more than two hundred (200) parking spaces, an additional landscaped area not less than one hundred-fifty (150) square feet

shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.

Section 22. That Section 530.180 of the above-entitled ordinance be and is hereby repealed.

530.180. Concrete curbs and wheel stops. All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.

Section 23. That Section 530.190 of the above-entitled ordinance be amended to read as follows:

530.190.180. Landscaping of other areas. All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.

Section 24. That Section 530.200 of the above-entitled ordinance be amended to read as follows:

530.200.190. Ecological function. In its review of landscaped areas the city planning commission shall include consideration of the following:

- (1) Interception and filtration of precipitation and stormwater through maximizing multiple-layered vegetative cover.
- (2) Reduction of reflectance and urban heat island effects through increasing canopy cover.
- (3) Conservation of energy through strategic shading and the use of windbreaks.
- (4) Selection and placement of plant materials to limit required maintenance of landscaped areas.
- (5) Preservation or restoration of natural amenities.

Section 25. That Section 530.210 of the above-entitled ordinance be amended to read as follows:

530.210.200. Plant material standards. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive on native species. Plant materials shall comply with the following standards:

- (1) All required trees shall be a minimum of two and one-half (2.5) inches caliper in size, except cluster or multiple trunk specimens, which shall be a minimum of one (1) inch caliper in size.
- (2) All required shrubs shall be a minimum of one (1) gallon container size.
- (3) All landscape materials shall be tolerant of specific site conditions, including but not limited to heat, cold, drought and salt.
- (4) Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two (2) years.

Section 26. That Section 530.220 of the above-entitled ordinance be amended to read as follows:

530.220.210. Installation and maintenance of materials. Installation and maintenance of all landscape materials shall comply with the following standards:

- (1) Areas to be landscaped shall be prepared and improved as specified by current Minnesota Department of Transportation standards for soil preparation and drainage.
- (2) All landscape materials shall be installed to current industry standards.
- (3) Maintenance and replacement of landscape materials shall be the responsibility of the applicant or property owner including the maintenance of any trees planted in the public right-of-way. An adequate water supply shall be indicated in the site plan. Landscape maintenance should incorporate environmentally sound management practices, including the following:
 - a. The use of water and energy efficient systems such as drip irrigation.
 - b. Pruning primarily for plant health and replacing dead materials annually.
 - c. Anticipating and allowing plant community succession.

Section 27. That Section 530.230 of the above-entitled ordinance be amended to read as follows:

530.230.220. Exceptions to landscaping and screening requirements. The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.680, provided one or more of the following exists:

- (1) The proposal will allow a site plan of exceptional design that includes amenities such as public seating, an outdoor plaza or transit shelter that will enhance the area or that is more consistent with the design of the site or the surrounding area.
- (2) The proposal will allow a site plan that is more consistent with the ~~nature~~ character of the area.
- (3) Existing plant materials, walls, fences or the topography of the site and its surroundings make the required landscaping or screening less necessary.
- (4) The required landscaping or screening will hinder truck access and service necessary to the operation of the use.
- (5) The required landscaping and screening may obstruct views of traffic or reduce natural surveillance of the site.
- (6)

ARTICLE V. ADDITIONAL STANDARDS

Section 28. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.230 to read as follows:

530.230. Concrete curbs and wheel stops. All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.

Section 29. That Section 530.250 of the above-entitled ordinance be amended to read as follows:

530.250. Site context. (a) *In general.* To the extent practical, ~~S~~site plans shall minimize the blocking of views of important elements of the city such as parks and greenways, significant buildings and water bodies.

(b) *Shadowing.* To the extent practical, ~~B~~buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties. A shadow analysis may be required that demonstrates the impact that the proposed building would have on shadowing of public spaces and adjacent properties.

(c) *Wind.* To the extent practical, ~~B~~buildings shall be ~~located and arranged~~ designed to minimize the generation of wind currents at ground level.

Section 30. That Section 530.260 of the above-entitled ordinance be amended to read as follows:

530.260. Crime prevention through environmental design. Site plans shall employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. Site plans shall include the following crime prevention design elements:

- (1) *Natural surveillance and visibility.* Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.
- (2) *Minimum ~~I~~lighting levels.* Provide lighting on site, at all building entrances, and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.
- (3) *Territorial reinforcement and space delineation.* Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide ~~people on~~ pedestrian movement on or through the site and to control and restrict people to appropriate locations.
- (4) *Natural access control.* Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

Section 31. That Section 530.270 of the above-entitled ordinance be amended to read as follows:

530.270. Historic preservation. To the extent practical, Where possible, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated as historic structures. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Section 32. That Article VI of Chapter 530 of the above-entitled ordinance be amended to read as follows:

ARTICLE VI. DOWNTOWN STANDARDS ARTICLE VI. SINGLE AND TWO-FAMILY DWELLINGS AND MULTIPLE-FAMILY DWELLINGS HAVING THREE OR FOUR DWELLING UNITS

Section 33. That Section 530.280 of the above-entitled ordinance be and is hereby repealed.

530.280. Building placement. (a) *In general.* The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The first floor of buildings shall be located not more than eight (8) feet from the front lot line, except where a greater yard is required by this zoning ordinance or where the building is separated from the front lot line by outdoor open space that conforms to the standards for the urban open space premium, established in Chapter 549, Downtown Districts. In the case of a corner lot, the building wall abutting each street shall be located not more than eight (8) feet from the lot line, except where a greater yard is required by this zoning ordinance or where the building is separated from the lot line by outdoor open space that conforms to the standards for the urban open space premium. The area between the building and the lot line, and all other areas not occupied by buildings or used for parking and loading purposes, shall include amenities such as landscaping, tables and seating. Buildings shall be oriented so that at least one (1) principal entrance faces the public street rather than the interior of the site. The main lobby of the building and main elevator access shall be located at street level. On-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade.

(b) *Exceptions.* The city planning commission may approve alternatives to these requirements, subject to section 530.60, provided that, where applicable, any adverse effects shall be mitigated by a decorative fence, masonry wall, or planted materials that reinforce the street wall.

Section 34. That Chapter 530 of the above-entitled ordinance be amended by adding thereto a new Section 530.280 to read as follows:

530.280. Design standards. New single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units shall comply with the applicable regulations of this zoning ordinance, including but not limited to the standards of Chapter 535, Regulations of General Applicability, related to front entrance, window area, and walkway requirements, and limitations on attached garages facing the front lot line. In addition, the zoning administrator shall ensure that such uses obtain a minimum of fifteen (15) points from Table 530-2, Single and two-family dwellings and multiple-family dwellings having three or four dwelling units. Standards used to meet the minimum requirement must remain in place for a period of not less than fifteen (15) years from the date of approval.

Section 35. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding Table 530-2 to read as follows:

Table 530-2 Standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units

<u>Points</u>	<u>Design Standard</u>
<u>5</u>	<u>Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure</u>
<u>5</u>	<u>The structure includes a basement as defined by the building code</u>
<u>4</u>	<u>The primary exterior building materials are masonry, brick, stone, stucco, wood, cement-based siding, and/or glass</u>
<u>3</u>	<u>Not less than twenty (20) percent of the walls on each floor that face a public street, not including walls on half stories, are windows</u>

- 3 Not less than ten (10) percent of the walls on each floor that face a rear or interior side lot line, not including walls on half stories, are windows
- 2 The pitch of the primary roof line is 6/12 or steeper. However, the point shall be awarded for a building with a flat roof where there is at least one existing building with a flat roof within one hundred (100) feet of the site
- 1 The structure includes an open front porch of at least fifty (50) square feet where there is at least one existing open front porch within one hundred (100) feet of the site
- 1 The development includes at least one (1) deciduous tree in the front yard"

Section 36. That Section 530.290 of the above-entitled ordinance be and is hereby repealed.

530.290. Building facade. (a) *In general.* Building facades shall provide architectural detail and shall contain windows at the ground level or first floor in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.

(b) *Entrances and windows.* Principal entrances shall be clearly defined and emphasized through the use of architectural features that express the importance of the entrance. Multiple entrances shall be encouraged. At least thirty (30) percent of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two (2) feet and ten (10) feet above the finished level of the first floor.

(c) *Parking garages.* The exterior design of parking garages shall ensure that sloped floors do not dominate the appearance of the facade and that vehicles are screened from view. At least thirty (30) percent of the first floor facade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, to create visual interest.

(d) *Exceptions.* The city planning commission may approve alternatives to these requirements, subject to section 530.60, provided that the security of the surrounding area is considered and that any adverse effects are mitigated through the use of wall enhancements or architectural features, including display windows, that create visual interest.

Section 37. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.290 to read as follows:

530.290. Accessibility. Structures that provide certain accessible features shall be awarded points from Table 530-2, Standards for single and two-family dwellings and multiple-family dwellings having three or four dwelling units, equivalent to providing twenty (20) percent window area facing public streets, off-street parking in an enclosed structure that is detached from the principal structure, and a basement, without having to provide these features. Such structures shall obtain the remainder of the required minimum point total from the remaining categories. For the purpose of this section, a dwelling unit shall include, at a minimum, a ground-level accessible entrance, interior doorways not less than three (3) feet in width, and a ground-level restroom.

Section 38. That Section 530.300 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.300. Pedestrian access. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site. Such walkways shall be a minimum of six (6) feet in width.

Section 39. That Chapter 530 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 530.300 to read as follows:

530.300. Alternative compliance. Notwithstanding any other provision to the contrary, the standards of this article shall not be eligible for alternative compliance.

Section 40. That Section 530.310 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.310. Transit access. Where transit shelters are provided, such shelters shall be well lighted and weather protected, and shall be placed in locations that promote security through natural surveillance and visibility.

Section 41. That Section 530.320 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.320. Vehicular access. ~~(a) In general.~~ Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible.

~~(b) Vehicular alley access.~~ Where vehicular alley access is provided, traffic shall be directed to minimize impact upon residential properties. Alley access shall be prohibited for the following uses when located on a block containing any residence or office residence zoning, except for commercial deliveries when approved by the city engineer:

- ~~(1) Automobile services uses.~~
- ~~(2) Transportation uses.~~
- ~~(3) Any use with a drive-through facility.~~
- ~~(4) Food and beverages uses over four thousand (4,000) square feet.~~
- ~~(5) Grocery stores over four thousand (4,000) square feet.~~
- ~~(6) Video stores over four thousand (4,000) square feet.~~
- ~~(7) Drug stores over four thousand (4,000) square feet.~~
- ~~(8) Shopping centers over four thousand (4,000) square feet.~~

~~(c) Service access.~~ Access for service vehicles shall be provided which does not conflict with pedestrian traffic and shall be screened as specified in this chapter. Where practical, truck loading areas shall be located away from residence and office residence districts.

~~(d) Snow storage and removal.~~ Adequate areas for snow storage shall be provided unless the applicant provides an acceptable snow removal plan.

~~(e) Reduction of impervious surface.~~ To the extent possible, site plans shall minimize the use of impervious surfaces. The use of interlocking pavers capable of carrying a wheel load of four thousand (4,000) pounds is encouraged for areas that serve low impact parking needs such as remote parking lots, parking facilities for periodic uses and parking in natural amenity areas.

Section 42. That Section 530.330 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.330. Parking lots and loading areas. ~~(a) Landscaping and screening.~~ Notwithstanding section 530.20, parking lots and loading areas shall be landscaped and screened as specified in Article IV, Landscaping and Screening, of this chapter.

~~(b) Concrete curbs and wheel stops.~~ Notwithstanding section 530.20, parking lots and driveways shall be defined as specified in Article IV, Landscaping and Screening, of this chapter.

Section 43. That Section 530.340 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.340. Lighting and glare. ~~(a) In general.~~ All lighting shall comply with the requirements of Chapter 535, Regulations of General Applicability, and Chapter 541, Off-street Parking and Loading. A lighting diagram may be required as part of an application for site plan review to determine the effect of lighting on surrounding uses.

~~(b) Vehicle headlights.~~ Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.

Section 44. That Section 530.350 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.350. Site context. ~~(a) In general.~~ Site plans shall minimize the blocking of views of important elements of the city such as parks and greenways, significant buildings and water bodies.

~~(b) Shadowing.~~ Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.

~~(c) Wind.~~ Buildings shall be located and arranged to minimize the generation of wind currents at ground level.

Section 45. That Section 530.360 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.360. Crime prevention through environmental design. Site plans shall employ best practices to increase natural surveillance and visibility, to control and guide movement on the site, and to distinguish between public and non-public spaces. Site plans shall include the following crime prevention design elements:

- ~~(1) Natural surveillance and visibility.~~ Design the site to promote natural observation and maximize the opportunities for people to observe adjacent spaces.
- ~~(2) Minimum lighting levels.~~ Provide lighting at all building entrances that maintains a minimum acceptable level of security.

- (3) ~~*Territorial reinforcement and space delineation.*~~ Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide people on the site and to control and restrict people to appropriate locations.

Section 46. That Section 530.370 of the Minneapolis Code of Ordinances be and is hereby repealed.

530.370. Historic preservation. ~~Where possible, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated as historic structures. Where rehabilitation is not feasible, the development shall include the reuse of significant features of designated historic structures.~~

Adopted 4/29/05. Yeas, 9; Nays, 1 as follows:

Yeas – Johnson Lee, Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays – Lilligren.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

Ordinance 2005-Or-039 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability, amending Section 535.90 and 535.95 to amend requirements related to principal entrances and windows for single and two-family dwellings and multiple-family dwellings having three or four dwelling units and to adopt principal entrance, walkway, and windows requirements for nonresidential uses, was passed 4/29/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-039

By Schiff

Intro & 1st Reading: 2/25/05

Ref to: Z&P

2nd Reading: 4/29/05

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 535.90 of the above-entitled ordinance be amended to read as follows:

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses. (a) Size and width. The minimum gross floor area of a dwelling unit, except efficiency units, shall be five hundred (500) square feet. The minimum gross floor area of efficiency units shall be three hundred fifty (350) square feet. Not less than eighty (80) percent of the habitable floor area of single or two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet.

(b) ~~*Principal entrance and windows.*~~ Not less than fifteen (15) percent of the first floor facade of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that faces a public street shall be windows, and shall include at least one (1) principal entrance. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall include a principal entrance facing the front lot line. Subject to Table 535-1, Permitted Obstructions in Required Yards, the principal entrance shall be connected to the public sidewalk by an impervious walkway not less than three (3) feet wide and shall include stairs where needed. Where no public sidewalk exists, the walkway shall extend to the public street. The principal entrance may face a side lot line when part of a front vestibule or extended portion of the front facade, provided the entrance is located no further than eight (8) feet from the facade closest to the street. ~~In the case of a corner lot, only the facade facing the front lot line shall be subject to the requirements of this section:~~

(c) *Windows.* Not less than fifteen (15) percent of the walls on each floor of single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units that face a public street shall be windows. Not less than five (5) percent of the walls on each floor of single and two-family dwellings and multiple-family

dwelling of three (3) and four (4) units that face a rear or interior side lot line shall be windows. Half stories shall not be subject to the minimum window requirement.

(e d) *Attached garage facing the front lot line.* Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line shall not exceed sixty (60) percent of the width of the entire structure.

Section 2. That Chapter 535 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 535.95 to read as follows:

535.95. Principal entrance, walkway, and windows requirements for nonresidential uses.
Nonresidential buildings shall be oriented so that at least one (1) principal entrance faces a public street rather than the interior of the site, clear and well-lighted walkways at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site, and shall maintain compliance with the nonresidential windows requirements of Chapter 530, Site Plan Review. A nonresidential building nonconforming as to these requirements shall have all the rights of a conforming building, except that said building shall not be enlarged, altered, or relocated in such a way as to increase its nonconformity with these requirements.

Adopted 4/29/05. Yeas, 9; Nays, 1 as follows:

Yeas – Johnson Lee, Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays – Lilligren.

Absent – Goodman, Johnson, Zerby.

Approved by Mayor Rybak 5/2/05.

Z&P – Your Committee, having under consideration the development of framework for introducing sustainability into the operations of the City, now concurs in the recommendation of the Planning Commission to approve a comprehensive plan text amendment to *The Minneapolis Plan*, to add the principles of sustainability as a factor in City decision making, as set forth in the staff report contained in Petn No 270382, and that sustainability indicators become a required element in annual department business plans with associated requirements for annual reporting.

Your Committee further recommends that City Goal 6 contained in *The Minneapolis Plan* be amended to read, “Preserve and enhance our environmental, economic and social realms to promote a sustainable Minneapolis.”

Your Committee further recommends passage of the accompanying resolutions:

a) Adopting Minneapolis Sustainability Indicators; and

b) Recognizing and thanking participants in the development of the Minneapolis Sustainability Indicators.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-251, adopting the Minneapolis Sustainability Indicators, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-251

By Schiff

Adopting the Minneapolis Sustainability Indicators.

Whereas, City Council Resolution 2003R-133 called for the creation of a Minneapolis Sustainability Plan that “will embrace and enhance ongoing environmental initiatives and help coordinate the City’s

planning, policymaking, and budget processes into a more coherent whole,” and further specified that “The Plan will help the City integrate the ‘three E’s,’—Environment, Economy and Equity (including social justice)” —into City operations; and

Whereas, City Council Resolution 2003R-133 also called for the creation of detailed indicators that would measure the City’s progress toward sustainability, including setting ten-year targets for each indicator, to guide all appropriate City decisions, specifically including the City’s annual budget process as shaped by the Strategic Plan and the Capital Long-range Improvement Program; and

Whereas, more than 100 City residents, professional staff and civic leaders have worked diligently over the past two years to create this plan and indicators, through groups such as the City’s Environmental Coordinating Team, the Minneapolis Sustainability Roundtable, and Citizen’s Environmental Advisory Council; and

Whereas, Crossroads Resource Center has presented the City Council a long-term vision for the future of the City as put forth in the Minneapolis Sustainability Roundtable’s “Fifty-Year Vision and Indicators for a Sustainable Minneapolis”;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City will measure its progress toward achieving this vision by defining a slate of sustainability indicators for their business planning process. The indicators listed in Petition No. 270382 as part of this resolution will be used as a starting point.

Be It Further Resolved that the City Council shall adopt ten-year targets for each indicator, starting in 2006. City agencies can work cooperatively and transparently with the public to attain sustainability goals. They are meant to augment, not to replace, other more specific measures already in use by City agencies.

Be It Further Resolved that City agencies and their nonprofit partners may seek additional non-City resources as needed to develop and implement this sustainability indicators process.

Be It Further Resolved that indicators measuring progress toward the City’s long-term vision and goals should remain fairly constant over time. Though indicators may need to change as progress is made, as conditions change, or as new priorities emerge within the City, these changes should be made sparingly and with great caution. In particular, close attention must be paid to ensuring that the slate of indicators balances attention to environment, equity and economics at all times, and expresses the linkages that exist among these issues. The City will also coordinate its sustainability efforts with its neighborhoods, its region, and global sustainability goals.

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

Resolution 2005R-252, recognizing and thanking participants in the development of the Minneapolis Sustainability Indicators, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-252

By Schiff

Recognizing and thanking participants in the development of the Minneapolis Sustainability Indicators.

Whereas, the City of Minneapolis would like to recognize all those who participated in the development of the Minneapolis Sustainability Indicators;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis extends its thanks and appreciation for all those who have helped Minneapolis incorporate “Sustainability” and the “Three E’s” - Environment, Economy and Equity - into our collective decision making process. Thank you for your efforts at making Minneapolis a safer, healthier and more livable City now and for future generations.

Participants in the Minneapolis Sustainability Roundtable

(People who attended January 17th or Mar 12th 2004 meetings or offered written or oral comments)

Kathy Ahlers	Gary Hesser	Michael Oxborough
Stephanie Alstead	Jan Hively	Vicki Poels
Linda Alton	Paula Holden	Bonnie Prochaska
Cris Anderson	Gary Hoover	Karen Robards
Tom Berkas	Susan Hubbard	Tom Ruffaner
JoAnne Berkenkamp	Pat Kerrigan	Stacy Samdyle
Vicki Bork	Lauren Klepac	David Scheie
Jean Buckley	Nancy E. Lee	Nick Schneider
Carolyn Bye	Michael Leuchtenberger	Frank Schweigert
David Byfield	Diane Loeffler	Judy Sharken-Simon
Carolyn Carr	Tony Looking Elk	Bill Sipe
Cynthia Chapin	Cindy Lukas	Walker Smith
Ron Cottone	Keegan Lund	Janelle Sorenson
Colleen Coyne	Bill MacMahon	Lori Stone
Merry Jo DeMarais	Meghan McCauly	Peg Thomas
Justin Eibenholz	Julie Magee	Ann Treacy
Glenda Eoyang	Sheldon Mains	Guy Trombley
Nathan Grand	Dan Marckel	Michael Vennewitz
David Grider	Pamela Marentette	Jennifer Welch
Phil Guilbat	Lynnne Mayo	Lark Weller
Sugra Gure	Ken Meter	Teresa Wernecke
Karen Harder	Rebecca Miller	T. Williams
John Harkness	Mary Morse	Laura Waterman Wittstock
Jack Heckelman	Clareyse Nelson	Lois Yellowthunder
Moira Heffron	Randy Neprash	David Zander
Saanii Hernandez	Michael O'Neal	Jennifer Zimmer
		Vusumazi Zulus

Minneapolis' Citizens Environmental Advisory Committee (CEAC)

Dean Abrahamson	Justin Eibenholz	Irene Jones
Brian Ross	Karen Utt	David Byfield
Craig Larson	Randy Kouri	Walker Smith
Teresa Wernecke	Carolyn Carr	Denise Leezer
Janet Peters	Barbara Sullivan	Christine Ziebold

Adopted 4/29/05.

Absent – Goodman, Johnson, Zerby.

MOTIONS

Schiff introduced the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General, which was given its first reading and* referred to the Public Safety & Regulatory Services Committee (adding prohibitions for abandoned shopping carts and establishing a process for impounding and disposing of abandoned carts).

RESOLUTIONS

Resolution 2005R-253, declaring May 2 as Corcoran Neighborhood Day, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-253

By Schiff

Honoring Corcoran Neighborhood

Whereas, Corcoran Neighborhood Organization and the residents of the Corcoran neighborhood have been active, engaged participants in the Neighborhood Revitalization Program; and

Whereas, Corcoran Neighborhood Organization is celebrating its 30th Anniversary and has worked to improve the neighborhood's housing, supported youth and family activities, promoted economic development, increased community safety and livability, and worked to build relationships with all members of the community; and

Whereas, approximately 4,300 ethnically and culturally diverse people live in the Corcoran neighborhood, which features the Midtown YWCA and South High School, the City's highest ranked public high school; and

Whereas, the Corcoran neighborhood is home to the Midtown Public Market, the result of hundreds of hours of volunteer work from midtown Minneapolis neighborhoods that features a lively mix of local growers, food vendors, artisans, craftspeople, and community groups with live music; and

Whereas, Corcoran Neighborhood Organization boasts a vigorous, involved staff and board that are a credit to their community and peers; and

Whereas, Monday, May 2 is Corcoran Neighborhood Organization's 30th Anniversary Celebration, General Membership meeting and board elections and we wish to honor their hard work on behalf of the people of their neighborhood and the City of Minneapolis;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That Monday, May 2nd, 2005, be declared Corcoran Neighborhood Day In The City of Minneapolis.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-254, declaring May 7 as Leslie Jordan Day, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-254

By Schiff

Honoring Leslie Jordan.

Whereas, Leslie Jordan stepped off the bus in Hollywood in 1982 to embark on a career as an actor and writer, becoming nationally recognizable from his distinctive work in television, film, theatre and commercials; and

Whereas, Leslie Jordan's acting roles in theatrical productions as "Brother Boy" in "Sordid Lives," "Peanut" in "Southern Baptist Sissies," and in his own one-man autobiographical plays "Hysterical Blindness and Other Southern Tragedies..." and "Like a Dog on Linoleum" have brought him critical acclaim and awards; and

Whereas, Leslie Jordan's acting in feature films has encompassed such wide-ranging roles as a mad scientist in Madhouse, Brother Boy in the film version of Sordid Lives, and as himself in Lost in the Pershing Point Hotel, which he also wrote; and

Whereas, Leslie Jordan's television appearances have included guest starring and recurring roles on "Boston Legal," "The George Lopez Show," "Monk," "Ally McBeal" and "Murphy Brown," among others, including his astonishingly memorable recurring role as Beverly Leslie on "Will & Grace;" and

Whereas, Leslie Jordan, at less than five feet in height, has become one of our most memorable and impressive scene-stealing actors; and

Whereas, Leslie Jordan, in the early 1980s, at a time when little was known about the AIDS virus that was devastating the gay community, was a founding member of Project Night Light, an organization dedicated to ensure that no one with AIDS should die alone, and his continued volunteer work with Project Angel Food and APLA; and

Whereas, Leslie Jordan is appearing on Saturday, May 7, 2005 at the Women's Club in a benefit performance for Rainbow Bridge Community Services we wish to recognize Leslie Jordan and this event;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That Saturday, May 7th, 2005, be declared Leslie Jordan Day in The City of Minneapolis.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

Resolution 2005R-255, declaring the month of May as American Indian Month, was passed 4/29/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-255

By Lilligren

Declaring the Month of May, 2005, as American Indian Month

INDIAN MONTH PROCLAMATION

Whereas, the City of Minneapolis is fortunate to include one of the largest urban American Indian populations in the United States; and

Whereas, the City of Minneapolis recognizes the role and contributions that American Indians have played in making Minneapolis a community that accepts and values diversity; and

Whereas, the City of Minneapolis recognizes the contributions of American Indians to the health, vibrancy and economy of our city; and

Whereas, the City of Minneapolis has continued to work in partnership with the American Indian community to improve the quality of life for American Indians in Minneapolis by integrating American Indian thoughts, values and culture into the planning and development of the City, in the hopes of making local government more responsive, reflective, and aware of issues involving the American Indian community, and

Whereas, May has historically been celebrated as American Indian Month in the State of Minnesota; and

Whereas, celebrations will be on-going throughout the month and will feature cultural events, feasts, art exhibitions, and marches to highlight American Indian culture, programs and services;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council declares the month of May, 2005, to be officially recognized as AMERICAN INDIAN MONTH for the City of Minneapolis,

Be It Further Resolved that the City Council of the City of Minneapolis wishes the American Indian Community continued growth, health and happiness.

Adopted 4/29/05.

Absent - Goodman, Johnson, Zerby.

UNFINISHED BUSINESS

Chapter 249 Property at 3045 2nd Av S: Authorize acquisition of property by use of eminent domain, if necessary (Postponed 4/15/05).

By unanimous consent, the above report continued to be postponed 4/29/05.

Absent - Goodman, Johnson, Zerby.

Chapter 249 Property at 3936 and 3938 4th Av S: Authorize demolition (Postponed 4/15/05).

By unanimous consent, the above report continued to be postponed 4/29/05.

Absent - Goodman, Johnson, Zerby.

David O'Brien (4525 Hiawatha Av S): Sent forward without recommendation a petition to rezone property to permit pet store and other retail uses (Postponed 4/15/05).

Colvin Roy moved that the report be deleted from the agenda. Seconded.

Adopted upon a voice vote 4/29/05.

Absent - Goodman, Johnson, Zerby.

Don Willenbring, dba Timeless Homes (4623 Lyndale Ave N): Grant waiver from moratorium on construction of new single-family, two-family & multiple-family dwellings in North Minneapolis for development new triplex, subject to condition (Postponed 4/1/05).

Schiff moved to deny the waiver from the moratorium with a direction for the proper City staff to draft appropriate findings. Seconded.

Lost. Yeas, 1; Nays, 9 as follows:

Yeas - Schiff.

Nays - Johnson Lee, Niziolek, Benson, Lane, Samuels, Colvin Roy, Zimmermann, Lilligren, Ostrow.

Absent - Goodman, Johnson, Zerby.

Lilligren moved that the report be referred back to the Zoning and Planning Committee. Seconded.

Adopted upon a voice vote 4/29/05.

Absent - Goodman, Johnson, Zerby.

NEW BUSINESS

Niziolek introduced an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to the License Fees Schedule, for first reading and referral to the Public Safety & Regulatory Services Committee for a public hearing on May 4, 2005 (adding a license fee for hoofed and/or small animal service).

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 4/29/05.

Merry Keefe,
City Clerk.

Unofficial Posting: 5/03/2005

Official Posting: 5/06/2005

Correction: 5/18/2005

7/19/2005